

HALIFAX

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

Item No. 8.4
Halifax Regional Council
September 29, 2020

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Jacques Dubé, Chief Administrative Officer

DATE: August 20, 2020

SUBJECT: **Appeal of the Decision of the Design Review Committee for Case 22708:
Substantive Site Plan Approval for 1325 Lower Water Street, Halifax**

ORIGIN

- Design Review Committee's July 30, 2020 decision to approve a substantive site plan approval application for the lands located at 1325 Lower Water Street, Halifax; and
- Appeal period from August 8 - 22, 2020 within which notice of appeal by various property owners was received by the Office of the Municipal Clerk.

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 the refusal of the Substantive Site Plan Approval Application and corresponding variances.

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

BACKGROUND

Southwest Properties Ltd. applied for a substantive site plan approval including multiple variances from the requirements of the Downtown Halifax Design Manual to build a 16 storey, with rooftop penthouse, mixed-use building at 1325 Lower Water St. in Downtown Halifax (Map 1).

Staff assessed the application against the requirements of the Land Use By-law and the Downtown Halifax Design Manual and prepared a staff report for the Design Review Committee (DRC) dated June 22, 2020 (Attachment A). Staff found that several of the variances required for the proposed building did not meet the approval criteria outlined within the Design Manual. Accordingly, staff recommended that the DRC refuse the qualitative elements of the application as well as five of the nine requested variances. At their July 30, 2020 meeting, the DRC approved the qualitative elements of the application and approved all the variances except for one request to allow balconies to encroach into required setbacks. This decision was subsequently appealed by multiple property owners as outlined in their letters of appeal (Attachment B).

Regional Council's role is to hear the appeal(s) and make a decision on the application. Council has the authority to make any decision that the DRC could have made relative to the application. This includes 3 general options:

- approval as proposed;
- approval with conditions; or
- refusal.

Project Description

The applicant wishes to construct a 16 storey, with a rooftop mechanical penthouse, mixed-use building at 1325 Lower Water Street in Downtown Halifax. The details of the proposal are as follows:

- Mixed use building, with residential, ground floor retail, office use and restaurant use;
- 254 residential units;
- Parking is located in the midrise section of the building, in the grey banded area on levels 3 and 4;
- The building is 55.385 m tall at Lower Water St. for the tower portion which then changes to 30.67 m at the Northwest corner and steps down to 35.03 m at the lowest part of the eastern portion of the building;
- 36 642 sq. m of GFA of which 18 957.3 sq. m is residential and 8 265.4 sq. m is commercial;
- Floor Area Ratio of 5.93;
- Building materials include: large format porcelain tile; pre-finished composite metal panel system; aluminum window wall system; and vision glazing;
- Approximately 8 093.7sq. m of plaza space;
- 229 indoor parking spaces; and
- 276.3 sq. m of amenity space.

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 relative to the decision of the Design Review Committee.

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 reviewed the application and determined that the following elements do not conform to the Downtown Halifax LUB:

Section 8(8)	Mechanical penthouse shall not occupy more than 30% of the roof area;
Section 10(4)	Any portion of a mid-rise building above a height of 18.5 m shall be setback 5.5 m from interior lot lines;
Section 10(9)	Any portion of a high-rise building above a height of 33.5 m shall be separated a minimum of 23 metres;
Section 10(10)	Buildings shall be a maximum width of 38 m and a maximum depth of 38 m; and
Section 10(13)	Balconies shall be permitted encroachments into a setback or stepback provided that aggregate length of balconies does not exceed 50% of building face.

LUB - Precinct 1 Requirements

Section 11(1)c	Maximum height of the building within 30 m of the Ordinary High-Water Mark (OHWM) is 12.5 m
Section 11(1)e	Maximum width of a building parallel to OHWM is 21.5 m
Section 11(1)f	Maximum width of any portion of a building above a height of 33.5 m shall be 21.5m parallel to Lower Water St and a maximum depth of 38.5m
Section 11(1)h	Buildings on lots with a streetline width greater than 27.5 m shall be setback from interior lot lines no less than 10% of the lot width or 8 m, whichever is less

The LUB allows applicants to propose variances to these requirements. Specific criteria under which proposals for variances must be considered is also included in the LUB. The applicant requested that variances be considered for approval through the site plan review process in response to the above referenced inconsistencies with the LUB.

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 in the context of the variance approval criteria set out in the Design Manual.

Design Review Committee Decision

At their July 30, 2020 meeting, the DRC approved the proposal as follows:

MOVED by Erica Armstrong, seconded by Jessica Harper

That the Design Review Committee:

1. *Approve the qualitative elements of the substantive site plan approval application for Case 22708 as shown in Attachment A with consideration given to the following:*
 - a) *adding public access to the penthouse level,*
 - b) *adding articulation to the banding,*
 - c) *providing vertical articulation to break up the horizontal massing within floors 3 and 4 of the development, and*
 - d) *subject to an approved license agreement with Nova Scotia Power Inc, the applicant shall consider minor modifications to the streetwall of the building abutting the Morris Street Waterfront View Corridor, such as streetwall articulation, materials including glazing, and public art features that serve to further activate the terminus area of the Morris Street Waterfront View Corridor.*

2. *Approve 11 of the 12 variances requested by the applicant but refuse the variance that is requested to section 10.13 of the Land Use By-law which allows balconies to be permitted encroachments into a setback or stepback provided that the aggregate length of the balconies does not exceed 50% of the building face and approve the following variances:*
 - a) *Variance Category 3: Maximum Height Variance is consistent with section 3.6.8d of the Design Manual,*
 - b) *Variance Category 4: Precinct 1 Built Form Variance is consistent with section 3.6.7b of the Design Manual,*
 - c) *Variance Category 5: Tower Width and Separation is consistent with section 3.6.7b of the Design Manual, and*
 - d) *Approve the 4 variances as per the staff recommendation.*
3. *Accept the findings of the qualitative Wind Impact Assessment, as contained in Attachment C.*
4. *Recommend that the Development Officer accept sustainable building practices as the post-bonus height public benefit for the development.*

MOTION PUT AND PASSED”

Appeal Notice and Process

In accordance with the *HRM Charter*, notice of the decision of the DRC was given to the applicant and the community¹. Notice of appeal was filed by 22 separate property owners regarding the DRC decision. Attachment B contains a copy of the appeal letters outlining the reasons for the appeals.

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 60 day time period will lapse on October 14, 2020. Regional Council must render its decision within 30 days after having heard the appeal. As Council will hear the appeal on September 29, 2020, a decision must be rendered no later than October 29, 2020.

Regional Council’s Decision

In hearing an appeal, Regional Council may make any decision that the Design Review Committee 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 should consider each approved variance against the variance criteria as outlined within section 3.6 of the Design Manual. Staff’s recommendations with respect to each variance and the applicable approval criteria are outlined in Attachment A.

Regional Council may not, however, 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 By-law have been met before issuing or refusing a development permit. A

¹ The area of notification for a substantive site plan approval is the Downtown Halifax Secondary Municipal Planning Strategy plan area boundary plus 30 metres.

decision by the Development Officer to refuse a development permit may be appealed to the Nova Scotia Utility & Review Board.

DISCUSSION

In the June 22, 2020 staff report to the DRC, staff recommended refusal of the proposal as the proposal did not conform with the requirements of the Design Manual, as outlined in Attachment A. The staff report includes the rationale for staff's recommendation and contains a detailed evaluation of the proposal against the applicable approval criteria in the Design Manual.

The applicant's rationale for 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 approval is set out in their motion and the minutes (Attachment C) as outlined in the Background section of this report.

Regional Council may consider each of the requested variances and come to a different decision than DRC and may choose to approve or refuse any combination of the requested variances.

FINANCIAL IMPLICATIONS

There are no financial implications associated with processing this planning application. All HRM costs are accommodated within the approved 2020/21 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

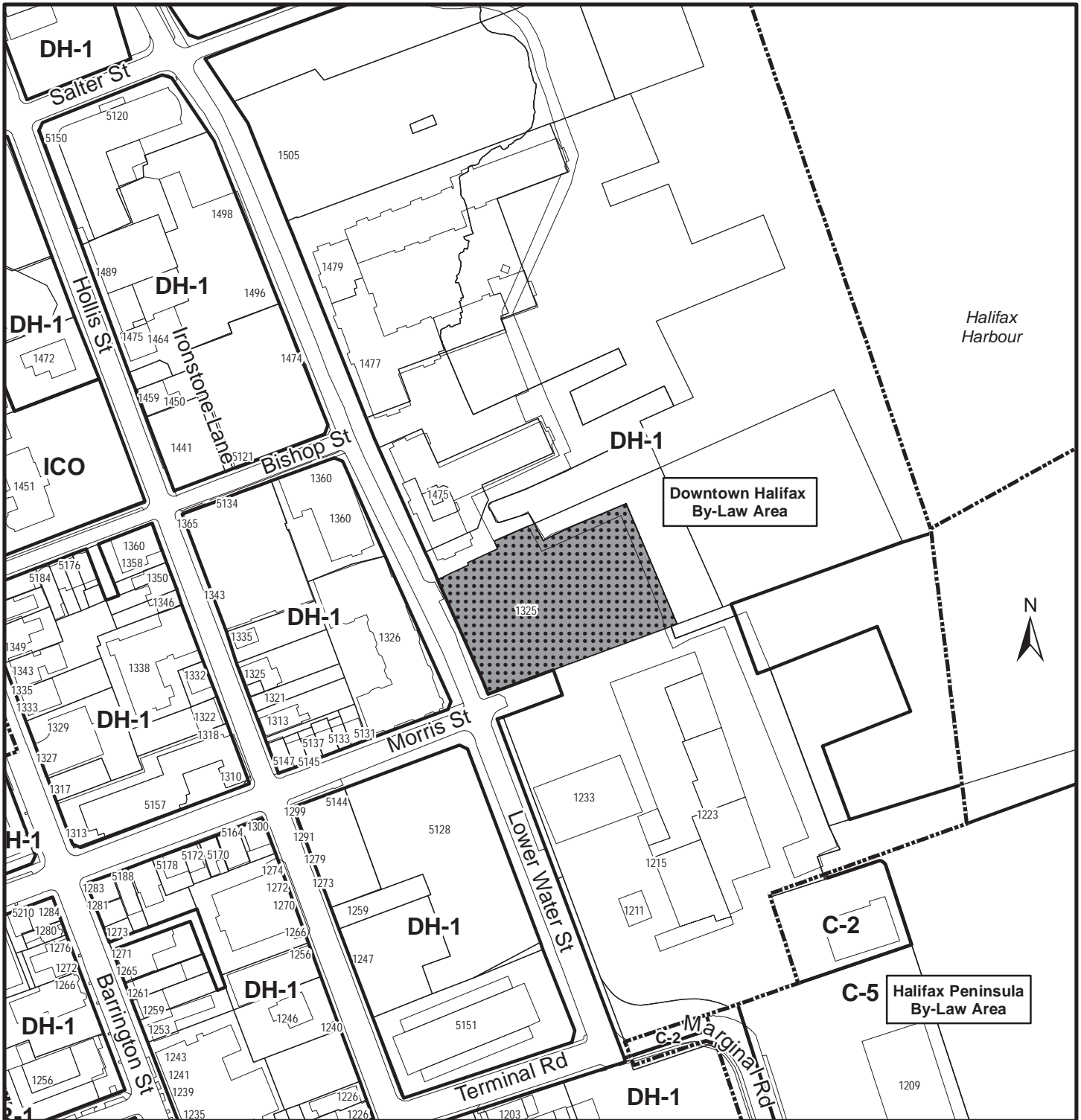
1. Regional Council may choose to uphold the decision of the Design Review Committee and allow the qualitative elements of the substantive site plan approval application and the requested variances. Council should provide reasons for this approval based on the specific guidelines of the Design Manual
2. Regional Council may choose to uphold the decision of the Design Review Committee to allow the qualitative elements of the substantive site plan approval application but refuse any or all of the requested variances. Council should provide reasons for this based on the specific guidelines of the Design Manual.

ATTACHMENTS

Map 1	Location and Zoning Map
Attachment A	June 22, 2020 Staff Report to the Design Review Committee
Attachment B	Notice of Appeals
Attachment C	Minutes of Design Review Committee July 30, 2020

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: Jennifer Chapman, Planner III, 902.225.6742



Map 1 - Zoning and Location

1325 Lower Water Street,
Halifax

 Subject Property

Downtown Halifax
Land Use By-Law Area

Zone

Downtown Halifax Bylaw

DH-1 Downtown Halifax

ICO Institutional, Cultural and Open Space

Halifax Peninsula Bylaw

C-2 General Business

C-5 Harbour-Related Industrial

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.



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

Item No.
Design Review Committee
July 30, 2020

TO: Chair and Members of Design Review Committee

SUBMITTED BY:



- Original Signed -

Kelly Denty, Director of Planning and Development

DATE: June 22, 2020

SUBJECT: **Case 22708: Substantive Site Plan Approval for 1325 Lower Water Street, Halifax**

ORIGIN

Application by Southwest Properties.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality (HRM) Charter, Part VIII, Planning & Development.

RECOMMENDATION

It is recommended that the Design Review Committee:

1. Refuse the qualitative elements of the substantive site plan approval application for a 16 storey, with rooftop penthouse, mixed use building, in Downtown Halifax as shown in Attachments A and B, as the proposal does not comply with Sections 2.1c, 2.10i, 3.1.1a, 3.2.1a, 3.2.1f, 3.2.5a, 3.3.1b and 3.3.1c of the Design Manual, as noted in Attachment E; and
2. Refuse 5 of the 9 variances in 5 categories to the Land Use By-law requirements regarding upper storey side yard setback, maximum height, Precinct 1 built form, and tower width and separation distances, as contained in Attachment B, as the proposal does not comply with Sections 3.6.6, 3.6.7, 3.6.8, and 3.6.10 of the Design Manual, as noted in Attachment D.

BACKGROUND

Southwest Properties Ltd. has applied for a substantive site plan approval to build a 16 storey, with rooftop penthouse, mixed-use building at 1325 Lower Water St. in Downtown Halifax. (Map 1, Attachments A and B). 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	1325 Lower Water Street, Halifax
Location	Corner of Lower Water and Morris Streets
Zoning (Map 1)	DH-1 (Downtown Halifax)
Lot Size	6176.1 square metres (66478.9 square feet)
Site Conditions	Sloping, waterfront site
Current Land Use(s)	parking lot
Surrounding Land Use(s)	North – Bishops Landing Mixed Use Development East – Halifax Harbour South – Morris Street extension & NS Power Office Building West – Lower Water Street & 7 Storey Multi-Unit Residential Building

Project Description

The applicant wishes to construct a 16 storey, with a rooftop mechanical penthouse, mixed-use building at 1325 Lower Water Street in Downtown Halifax. The details of the proposal are as follows (refer to Attachments A and B):

- Mixed use building, with residential, ground floor retail, office use and restaurant use;
- 254 residential units;
- Parking is located in the midrise section of the building, in the grey banded area on levels 3 and 4;
- The building is 55.385 m tall at Lower Water St. for the tower portion which then changes to 30.67 m at the Northwest corner and steps down to 35.03 m at the lowest part of the eastern portion of the building;
- 36 642 sq. m of GFA of which 18 957.3 sq. m is residential and 8 265.4 sq. m is commercial;
- Floor Area Ratio of 5.93;
- Building materials include: large format porcelain tile; pre-finished composite metal panel system; aluminum window wall system; and vision glazing;
- Approximately 8 093.7sq. m of plaza space;
- 229 indoor parking spaces; and
- 276.3 sq. m of amenity space.

Information about the approach to the design of the building has been provided by the project's architect (Attachment B). The proposed building floor plans, renderings, elevations and cross section can be found in Attachment A.

Regulatory Context - Municipal Planning Documents

Regarding 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), Schedule W (Waterfront Development Overlay)
- Precinct: 1 Southern Waterfront
- Building Height (Pre and Post-Bonus): 39 m and 49 m respectively
- Viewplane: A portion of the site is covered by Viewplane 6, but the building has been confirmed to not conflict with this view plane
- Streetwall Setback: 0-4 m
- Streetwall Height: 18.5 m

- Prominent Civic/ Cultural Frontage: The site is identified as a Prominent Civic / Cultural Frontage along Lower Water Street (Map 1 of the Design Manual)

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 that the following elements do not conform to the Downtown Halifax LUB:

- Section 8(8): Mechanical penthouse shall not occupy more than 30% of the roof area;
- Section 10(4): any portion of a mid-rise building above a height of 18.5 m shall be setback 5.5 m from interior lot lines;
- Section 10(9): Any portion of a high-rise building above a height of 33.5 m shall be separated a minimum of 23 metres;
- Section 10(10): Buildings shall be a maximum width of 38 m and a maximum depth of 38 m; and
- Section 10(13): Balconies shall be permitted encroachments into a setback or stepback provided that aggregate length of balconies does not exceed 50% of building face.

Precinct 1 requirements

- Section 11(1)c: Maximum height of the building within 30 m of the Ordinary High-Water Mark (OHWM) is 12.5 m;
- Section 11(1)e: Maximum width of a building parallel to OHWM is 21.5 m;
- Section 11(1)f: Maximum width of any portion of a building above a height of 33.5 m shall be 21.5m parallel to Lower Water St and a maximum depth of 38.5m; and
- Section 11(1)h: Buildings on lots with a streetline width greater than 27.5 m shall be setback from interior lot lines no less than 10% of the lot width or 8 m, whichever is less.

The applicant has requested that variances be considered for approval through the site plan review process in response to the above referenced inconsistencies with the LUB. Additional information on these requests can be found in Attachment B.

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);
2. Consider the variance requests that have been made pursuant to variance criteria in the Design Manual (Attachment B);
3. Provide advice to the Development Officer if the proposal is suitable in terms of the expected wind conditions on pedestrian comfort (Attachment C); and
4. Advise the Development Officer on the suitability of the post-bonus height public benefit being proposed by the applicant (Attachment E).

Notice and Appeal

Where a proposal is approved by the Design Review Committee, notice of the decision 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 appeal the decision of the DRC to Regional Council. Where a proposal

is refused by the Design Review Committee, the applicant may appeal the decision of the DRC to Regional Council. If the appeal is from a refusal every assessed owner within the notice area will receive notice of the appeal hearing date. If an appeal is filed, Regional Council will hold a hearing and make decision on the 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 August 12, 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 2.1 of the Design Manual contains design guidelines that are to be considered specifically for properties within Precinct 1 (Southern Waterfront);
- Section 2.10 of the Design Manual contains design guidelines that are to be considered for properties within Precinct 1 and 4 (Downtown Halifax Waterfront); 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 staff advise the Design Review Committee should 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 for further consideration by the Design Review Committee:

Precinct One: Southern Waterfront (Section 2.1c)

Section 2.1c seeks to "*ensure tall and slender towers provided that their placement and design are consistent with the objectives identified for this precinct and with the design guidelines*". One of the overarching principles of the Design Manual is the requirement for towers to be tall and slender to allow for building shadows to move quickly across the site and surrounding areas in the downtown core.

Staff advise the proposed tower is too wide to be considered in keeping with the requirements of the Design Manual. The Downtown Halifax LUB states that the maximum tower dimension is 38 m and this building has a proposed depth of 53.4 m which is approximately 40% wider than the required maximum dimension. This creates a blocky building shape that is not in keeping with the desired built form in the Design Manual generally and in the Waterfront precinct specifically.

The Southern Waterfront is an area of high importance and includes a sub-area specific to the Downtown Halifax Waterfront with additional criteria that development must adhere to. More information about these guidelines is provided below.

Downtown Halifax Waterfront (Sections 2.10b, 2.10e, 2.10i, 2.10k)

Section 3.4.9 of the Downtown Halifax MPS describes the importance of the Halifax Waterfront and prescribes enhanced design discretion in this area to respond to the significance of the precinct. Policy 29 of the Downtown Halifax MPS describes the following intent for built form in this area:

- to provide a higher degree of discretion over the design and form of the building;
- to ensure appropriate height transitions that step down to the water's edge; and
- to maximize sky views, sun penetration to public spaces and streets and provide visual and public access to the water.

This is met through the provision of Schedule W in the LUB as well as the additional design requirements of 2.10 in the Design Manual. The downtown Halifax Waterfront presents unique challenges as the parcels tend to be very large, because of their location at the waters edge, and because there is a requirement for the provision of public open space on a continuous boardwalk.

The intent of Section 2.10b is to

"...ensure that a generally complete and consistent streetwall is built along Lower Water Street that permits visual and physical access to the harbour along the eastward extension of the east-west streets to the water's edge, and at intermediate locations as deemed appropriate."

Staff advise the proposed streetwall is complete and consistent but does not provide either visual or physical access from the east to the water. The design of the streetwall is a relatively blank facade with limited activity. Staff note the presence of a door at the northwest corner of the building does help provide animation to the street, but this animation is generally absent over the rest of the streetwall. The proposal has provided only 2 entrances on the west façade along a 55m frontage. Additionally, the Lower Water Street elevation is largely planters for approximately 37 metres of the frontage. The Design Manual also requires visual and physical access to the harbour, from Lower Water Street. The building does not provide this access as it is built out completely at the street property line.

Section 2.10e seeks to ensure that *"public open spaces are provided where the eastward extension of east-west streets intersects the boardwalk. These open spaces shall be accomplished through the use of waterfront view corridors that extend from Lower Water Street to the water's edge"*. The L shape of the building impedes visual and physical access from Lower Water Street as the building extends along the full length between property boundaries at Lower Water Street. The extension of Morris Street does provide access as it is a publicly owned street and is identified as a waterfront view corridor in the Downtown Halifax MPS. The intent of the Plan is to activate these areas with small scale retail, restaurants and pedestrian oriented uses to provide an opportunity to enjoy the sun as this part of the site has the most sunlight. The building is designed so that much of this side of the building is used for servicing, driveways and emergency exits, which does not capitalize on the prominence that the Plan intended for these street extensions.

Design of the Streetwall (Sections 3.2.1, 3.2.1f, and 3.4.1b)

To enhance the public realm and create pedestrian-oriented streetwall conditions, the Design Manual encourages active uses along street frontages, a high degree of building articulation, visual interest, visibility through abundant glazing and light penetration, more animation and "eyes on the street", prominent entrances and exemplary design along civic frontages.

Section 3.2.1a states *"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."* The building is articulated horizontally but not vertically, and the building design does not include fine grained elements. Design cues could be pulled from buildings in the area which do provide a fine grained building articulation at the street level, and this rhythm should be continued along the street frontage of this proposal.

Section 3.2.1f requires that *"streetwalls should have many windows and doors to provide eyes on the street and a sense of animation and engagement."* Windows and doorways have been used at the corners of the building on Lower Water Street and provide an appropriate level of transparency at those locations, but there is a large stretch of the proposed frontage that remains inactive and without doors or windows. Discussions with the developer held through the application process resulted in a door being included towards the northwest corner of the building along the Lower Water Street elevation. While this is recognized as an improvement to the proposal, the majority of this prominent elevation remains not only

physically inaccessible to pedestrians, but also visually inaccessible given the orientation of the floorplates. Improvements to the remaining sections of the streetwall are needed to further animate the street frontage.

Section 3.2.1g states that “*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.*” The site does have a major grade change from the south corner to the north corner of the building along the Lower Water Street frontage. Entry points are proposed near the corners of the building that have been designed with large windows around the doorways, and planters have been proposed along the Lower Water Street frontage to reduce the impact of the grade change and to break up the space. Staff advise that significant sections of this elevation have not been animated and that the planters are insufficient to break up the blank wall and provide visual interest for passing pedestrians.

Section 3.4.1b identifies prominent civic frontages, and states that these frontages are highly visible building sites that front on 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. This site is a prominent civic frontage that fronts on the Halifax Harbour, one of the most important and iconic spaces in the Municipality. This site should be developed to a high standard that is reflective of its signature location. Staff do not consider this proposal to be reflective of the design intent of the Design Manual and advise that it does not meet the intent of a prominent civic frontage due to the size of the building, the lack of articulation and animation on Lower Water Street, the lack of a narrow point tower and the inability of the proposal to meet the requirements of the Design Manual and Land-use By-law.

Sloping Conditions (Section 3.2.5 a)

Many streets in the downtown are sloped and pose challenges to creating a pedestrian-oriented streetwall, however new buildings must provide an appropriate interface to these sloping street conditions.

Section 3.2.5a seeks to “*maintain active uses at-grade, related to the sidewalk, stepping with the slope. Avoid levels that are distant from grade.*” In response to the sloping condition, the building has an entryway at the northeast corner to activate that section of the street level. While this does help address the issue at that corner, large sections of the Lower Water Street frontage have not been activated. Approximately 37 m of street frontage are without windows or doorways, with the majority of the window placement occurring at over 2 m in height. The proposal does include planters to break up the space, but large stretches of this important street frontage remains without activation.

Building Design and Articulation (Section 3.3.1b and 3.3.1c)

The articulation of a building is what gives it a human scale and sense of quality, through attention to detail. Articulation implies a 3-dimensional façade, where windows and other elements have depth, creating a dynamic of light and shadow and solid to void.

Section 3.3.1b identifies that buildings should seek to contribute to a mix and variety of high-quality architecture while remaining respectful of downtown’s context and tradition. Staff advise the building does not respond well to the existing context and fine-grained character of the downtown. Many of the historic buildings downtown are smaller scale and provide greater articulation at the street level with narrow retail frontages at the street edge. This particular area has featured more recent development and has many buildings which have been constructed in the past 15 years. The ground floor of the adjacent building to the northeast consists of many windows and doorways at the pedestrian level and utilises multiple bays to break up the ground floor. Both the Land Use By-law and Design Manual indicate that new construction should maintain and continue this rhythm and articulation.

Section 3.3.1c requires the consideration of architectural variety and visual interest. Opportunities to articulate the massing should be encouraged, including vertical and horizontal recesses or projections, datum lines, and changes in material, texture or colour. The banding provided around the podium does help define the lower portion of the building and provides some vertical articulation. However, this

articulation is not carried forward through the upper portions of the structure resulting in the midrise section of the building appearing bulkier and more repetitious in appearance.

VariANCES

The applicant is requesting multiple variances to the quantitative requirements of the Downtown Halifax LUB. The requests are for 12 variances within 11 Sections of the LUB, for 9 building elements which fall under five different categories: 1. side and rear yard setbacks, 2. upper storey side yard stepback, 3. maximum height, 4. precinct 1 built form variance, and 5. tower width and separation distances. Each variance request is referenced in brackets by the variance number indicated on the drawings and in the application package (Attachment B).

Some variance requests apply in multiple locations, while other building features require more than one category of variances; those being the upper storey streetwall stepback, upper storey side yard stepback and tower width and separation distances. The applicant has outlined each of the variance requests on the plans (Attachment A) 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. Staff advise the extent of the proposed variances suggests the proposed building is too large for the site due to its failure to meet many of the requirements of the Land Use By-law related to size and height. Staff acknowledge that multiple attempts by the applicant to reconfigure the building while still retaining the proposed amount of floorspace has resulted in the requirement for new and additional variances.

Variance Category 1: Side and Rear Yard Setback Variance

There is a single variance requested in this category related to Section 11(1)h of the LUB, which requires that buildings on lots with a streetline width greater than 27.5 m be setback from interior lot lines no less than 10% of the lot width or 8 m, whichever is less (Variance #9). The lot is 57.98 m wide and 10% of this is 5.798 m. This is not being met along the northern or southern property boundaries as shown in the variance report. The northwest corner of the building is built to the property line and access to the site is through an encroachment easement. The southern side of the building is also built to the property line but is adjacent to the Morris Street waterfront view corridor which does not permit the construction of any structure within 7.6.2 m from the mean centre line of the prolongation of the street to the harbour.

Section 11(2) of the LUB provides the ability to vary the requirements for section 11(1) (Southern Waterfront) where the relaxation is consistent with the criteria of the Design Manual. Sections 3.6.2 and 3.6.10 of the Design Manual allows for a variance to the built form requirements of Section 11(1) of the LUB subject to meeting certain conditions as outlined in Attachment D. Of the potential conditions for a variance, this application is being requested under the provision of Section 3.6.10a which is for a development that fills existing gaps created by vacant properties or parking lots with new development, and 3.6.2b that the modification does not negatively impact abutting uses by providing insufficient separation.

The applicant has requested a variance to Section 11(1)(h), which is a requirement for a minimum setback from the interior lot line. As this clause is in the Precinct 1 section of the LUB, a variance for 3.6.2 and 3.6.10 is required. Staff are satisfied that this request meets the criteria in the Design Manual as it is an existing parking lot and it provides sufficient space to abutting uses by virtue of being adjacent to the Morris Street waterfront view corridor. Staff advise that this variance meets the criteria of the Design Manual.

Variance Category 2: Upper Storey Side Yard Stepback Variance

There are two variances requested in this category. The first is related to Section 10(4) of the LUB (Variance #2) requires that any portion of a mid-rise building above a height of 18.5 m shall be setback 5.5m from interior lot lines. The building does not meet this requirement at the northwest corner of the building. The provided setback is 4.6 m instead of the required 5.5 m. The second variance is related to Section 10(13) (Variance #5) which allows balconies to be permitted encroachments into a setback or stepback provided that aggregate length of balconies does not exceed 50% of building face. Balconies are proposed around the majority of the building faces resulting in the need for a variance to be requested for the South and the west elevations.

Section 10(14) of the LUB provides the ability to vary the requirements for section 10(4) where the relaxation is consistent with the criteria of the Design Manual. Section 3.6.6 of the Design Manual allows for a variance to the upper storey side yard setback requirement of the LUB subject to meeting certain conditions as outlined in Attachment D. Of the potential conditions for a variance, this application is being requested under Section 3.6.6.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. The maximum permitted height of a midrise portion of a building is 33.5 m and the building measures 30.67 m at this section which is equal to 2.83 m of difference. The setback is 0.9 m too close, which is less than the 2.83 m, making it proportional to the height reduction. Staff advise that this variance is consistent with the intent of the Design Manual.

The balconies on the southern elevation are 100% of the width of levels 12-16, 62.26% of level 11 and 83.12% of levels 6-10. The balconies on the western elevation are 84.41% of the building face and encroach approximately 1.6m into the required setbacks. The fact that they cover most of the building, make the building appear wider. A variance may be considered under 1 of 2 conditions; 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 balconies do not meet either of these criteria as they are not covering a blank wall and the building is constructed to the maximum allowable height in these areas. Staff do not recommend the approval of this variance as it does not meet the requirements of the Design Manual.

Variance Category 3: Maximum Height Variance

The applicant is requesting two variances to the maximum height requirements for this application. Section 8(8) of the LUB (Variance #1) requires that a mechanical penthouse shall not occupy more than 30% of the roof area. Additionally, Section 11(1)c (Variance #6) states that the maximum height of a building within 30 m of the Ordinary High-Water Mark (OHWM) is 12.5 m, which may be increased by 1 m for each additional metre of setback from the OHWM.

Section 8(11) of the LUB provides the ability to vary the requirements for section 10(4) where the relaxation is consistent with the criteria of the Design Manual. Section 3.6.8 of the Design Manual allows for a variance to maximum height requirements of the LUB subject to meeting certain conditions as outlined in Attachment E. Of the potential conditions for a variance, this application is being requested under the following provisions:

1. The rooftop mechanical occupies more than 30% of the roof area, which means that it is no longer exempt from height and must be included in the calculation for height. The applicant is requesting to vary the 30% requirement for rooftop coverage so that the mechanical structure remains exempt from the height restrictions. Section 3.6.8a and 3.6.8b are the requested considerations for variances for this part of the building. Section 3.6.8b allows for the consideration of additional height if it is for rooftop architectural features and the additional height does not result in an increase in gross floor area. The mechanical is designed in such a way as to add an architectural feature to the top of the building and does not include any usable building floor area. The mechanical includes a parapet around the building that should be included in the height variance. As this request is for mechanical on the roof, staff advise that it meets the requirements of the Design Manual.
2. The second request for a height variance is for the portions of the building that are within 30 m of the OHWM. The longer portion of the building that runs parallel to the northern section of the OHWM has a maximum height of 12.5 m + the additional setback, which is 21.2 m for a total permitted height of 31.37 m. The section of the building that is perpendicular to the northern section of the OHWM has a railing that is 60 cm taller than the permitted 31.37 m (12.5 m+ additional setback of 18.87 m). The north-east face of the building on levels 12, 13, 14, 15 and 16 are within the 30 m of the OHWM and over the 33.7m of the maximum height, up to a maximum height of approximately 50 m at the 16th level. Additionally, a portion of the railings on the mid-rise portion of the building at the north-east are above the maximum height. This is within the Precinct 1 built form criteria and must meet both the variance requirements of section 3.6.8 regarding height and 3.6.10 regarding Precinct 1 Built Form. The application meets the requirement for 3.6.10 in that it fills

existing gaps created by vacant properties or parking lots with new development, but it is unclear how it meets section 3.6.8. In addition to the universal requirement to be consistent with the objectives and guidelines of the design manual, the allowable variance criteria for height is one of four criteria:

- 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.

The requested variance is not for a rooftop architectural feature and does result in increased gross floor area, so b) does not apply. The maximum building height of this proposal exceeds the maximum permitted building height and the portion of the site subject to a view plane does not have a building within it, so c) does not apply. The portions of the building that require a height variance are for large sections of the middle part of the tower and do not provide any additional design elements that would allow for the consideration of d). Lastly, the building is not a heritage building and therefore e) does not apply. There is no variance criterion which applies to this context. As such, staff do not recommend the approval of this variance as it does not meet the requirements of the Design Manual.

Variance Category 4: Precinct 1 Built Form Variance

This proposal requires four variances in this category. Section 11(1)c of the LUB (Variance #6) requires the maximum height of the building within 30 m of the OHWM to be no greater than 12.5 m; Section 11(1)e (Variance #7) of the LUB, the maximum width of a building parallel to OHWM is 21.5 m. Section 11(1)f (Variance #8) states that the maximum width of any portion of a building above a height of 33.5 m shall be 21.5 m parallel to Lower Water Street and a maximum depth of 38.5 m. Finally, Section 11(1)h (Variance #9) requires buildings on lots with a streetline width greater than 27.5 m shall be setback from interior lot lines no less than 10% of the lot width or 8 m, whichever is less. These sections of the LUB provide additional oversight on the design of buildings within this area.

As mentioned earlier in the report, Section 3.4.9 of the Downtown Halifax MPS describes the importance of the Halifax Waterfront and prescribes enhanced design direction in this area to respond to the significance of the precinct. Schedule W of the LUB as well as the additional design requirements of 2.10 in the Design Manual are the tools used to achieve the design intent. The intent of the Plan is to create buildings with a point tower, with heights that step down as it approaches the waterfront to reduce shadow on the public space and to provide visual and public access to the waterfront.

The proposal requires 3 variances to enable the design, which would allow for a larger, wider and taller building than envisioned in the plan. The building design also reduces access to sun as it is massed and sited towards the southern property line in such a way that the proposed plaza area will be in shade for much of the day.

Section 11(1)f restricts the maximum dimension of a building face parallel to the OHWM to 21.5m. This may be increased by 1m for every additional metre that the building is setback from the OHWM setback. In this case (Variance #7), the maximum permitted building dimension facing the OHWM is 35.8m and the applicant has proposed 44m for the low-rise portion of the building. This criterion could be met by modulating the building face with recesses or offsets, but the applicant is not pursuing this option.

Section 11(2) of the LUB provides the ability to vary the requirements for Section 11(1) where the relaxation is consistent with the criteria of the Design Manual. Section 3.6.10 of the Design Manual allows for a variance to Precinct 1 Built Form Requirements subject to meeting certain conditions as outlined in Attachment D. Of the potential conditions for a variance, these 3 variances are being requested under the provision of 3.6.10a which is to fill existing gaps created by vacant properties or parking lots with new development. While the site is an existing parking lot and these requested variances meet this requirement,

they must also meet the criteria for height, tower dimension and setbacks as discussed in the other sections. Refer to each applicable section for further discussion on each variance. Staff recommend refusal of Variance #6 and Variance #8. Staff advise that Variance #7 and Variance #9 meet the requirements of the Design Manual.

Variance Category 5: Tower Width and Separation

There are three variances required for this category, two relate to the tower dimensions and one is regarding the tower separation. Section 10(9) of the LUB (Variance #3) requires that any portion of a high-rise building above a height of 33.5 m shall be separated from another non residential portion of the building by a minimum of 23 m. Section 10(10) (Variance #4) states that buildings shall be a maximum width of 38 m and a maximum depth of 38 m, and Section 11(1)f (Variance#8) requires that the maximum width of any portion of a building above a height of 33.5 m shall be 21.5 m parallel to Lower Water Street and a maximum depth of 38.5 m. The intent of these regulations is to ensure that towers have a smaller dimension in the waterfront area to help create spaces that have enhanced access to sunlight and sky view, by controlling the building massing and stepping heights down near the waters edge.

Section 10(14) of the LUB provides the ability to vary the requirements for Sections 10(9) and 10(10) and Section 11(2) of the LUB provides the ability to vary the requirements for Section 11(1) where the relaxation is consistent with the criteria of the Design Manual. Section 3.6.7 of the Design Manual allows for a variance to tower dimensions subject to meeting certain conditions as outlined in Attachment D. Of the potential conditions for a variance, this application is being requested under Section 3.6.7b: the modification results in a clear public benefit such as the remediation of an existing blank building wall.

The applicant has proposed the following as the potential public benefit to the building design:

- Improved view lines of the residents of the building;
- Reduced shadowing on the walkway; and
- The shape of the building is preferred by the applicant to the point tower form.

Staff have reviewed this request and advise that the views of the residents are not seen to be a public benefit, but rather a private benefit for the group of individuals who would ultimately reside in the proposed building. Having a tower form that is 40% wider than the requirements permit will block views to the harbour from various public vantage points near the site. The proposed public plaza/ walkway is in shadow most of the day due to the design and placement of the tower. The submission package indicates that a 2 tower design would be permitted under the existing plan creating large areas in shadow in the plaza, but height restrictions of 12.5 m from the OHWM would restrict height in this area reducing the potential to shadow the plaza. Lastly the Downtown Halifax MPS states that the desired shape of buildings in the downtown is slender point towers with maximum building dimensions of 38 m by 38 m generally and narrower in this area, with a maximum tower dimension of 21.5m by 38 m in the Southern Waterfront, not wide terraced buildings. This intent is carried through in the requirements of the LUB and the Design Manual. The rationale provided by the applicant is not in keeping with the intent of the Downtown Halifax MPS. Reducing the width of the tower would result in the proposal meeting the requirement for tower separation and eliminate the need for a variance to Section 11(1) f. As such, staff recommend refusal of these variances.

Wind Assessment

A Qualitative Wind Impact Assessment was prepared by the applicant for the project and is included in Attachment C. The need for the assessment results from the height of the building. Its purpose is to determine whether the site and its surroundings will be safe and comfortable for pedestrians once the new building is constructed. The assessment submitted for this proposal anticipates that the development will result in comfort levels suitable for persons sitting, standing, or walking at the sidewalk level but did indicate higher than desired wind activity for the outdoor amenity areas located on levels 11 and 12. Trellises, stand alone canopies and landscaping have been introduced to level 11 and the wind mitigation for level 12 will include canopies and tall, porous railings. The assessment indicates that these railings should be at least 2 m tall and 20-40% porosity to be effective. These mitigations are expected to create suitable wind conditions at these areas.

Post-Bonus Height Public Benefit

The Downtown Halifax LUB specifies a maximum pre-bonus height of 39 m and a maximum post-bonus height of 49 m for this site. Projects that propose to exceed the maximum pre-bonus height are required to provide a public benefit. The LUB lists the required public benefit categories, and establishes a public benefit value that, with adjustments for inflation, is the equivalent of \$4.70 for every 0.1 square metres of gross floor area created by extending above the pre-bonus height. For this proposal the density bonus would equal \$138,039.00. The applicant has proposed to meet the bonus requirements under Section 12(7)(i) the provision of exemplary sustainable building practices and is proposing to seek LEED Gold certification.

The Design Review Committee's role is to review and recommend to the Development Officer whether a proposed public benefit should be accepted by the Municipality. With this, the final cost estimates of providing the public benefit will be determined and an agreement with the Municipality will be prepared for Regional Council's consideration at the permit approval stage.

Conclusion

Staff advise that the proposed development and the requested variances are not reasonably consistent with the objectives and guidelines of the Design Manual. Staff note that the number of variances, and the scale of each variance suggest that the proposed building is too large for the site given the requirements of the Land Use By-law. Further, any attempt to shift the building around on the site in its current form, results in the triggering of a new set of variances. Therefore, it is recommended that the substantive site plan approval application be refused, for the reasons outlined in this report and in Attachment D.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM costs associated with processing this planning application can be accommodated within the approved 2020/21 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 proposed variances outlined in Attachment C, accept the findings of the quantitative wind assessment included in Attachment D, recommend the Development Officer accept the public benefit as described in Attachment B, and approve the application as proposed, without conditions. An appeal of the Design Review Committee's decision can be made to Regional Council.
2. The Design Review Committee may choose to approve the application with conditions.

ATTACHMENTS

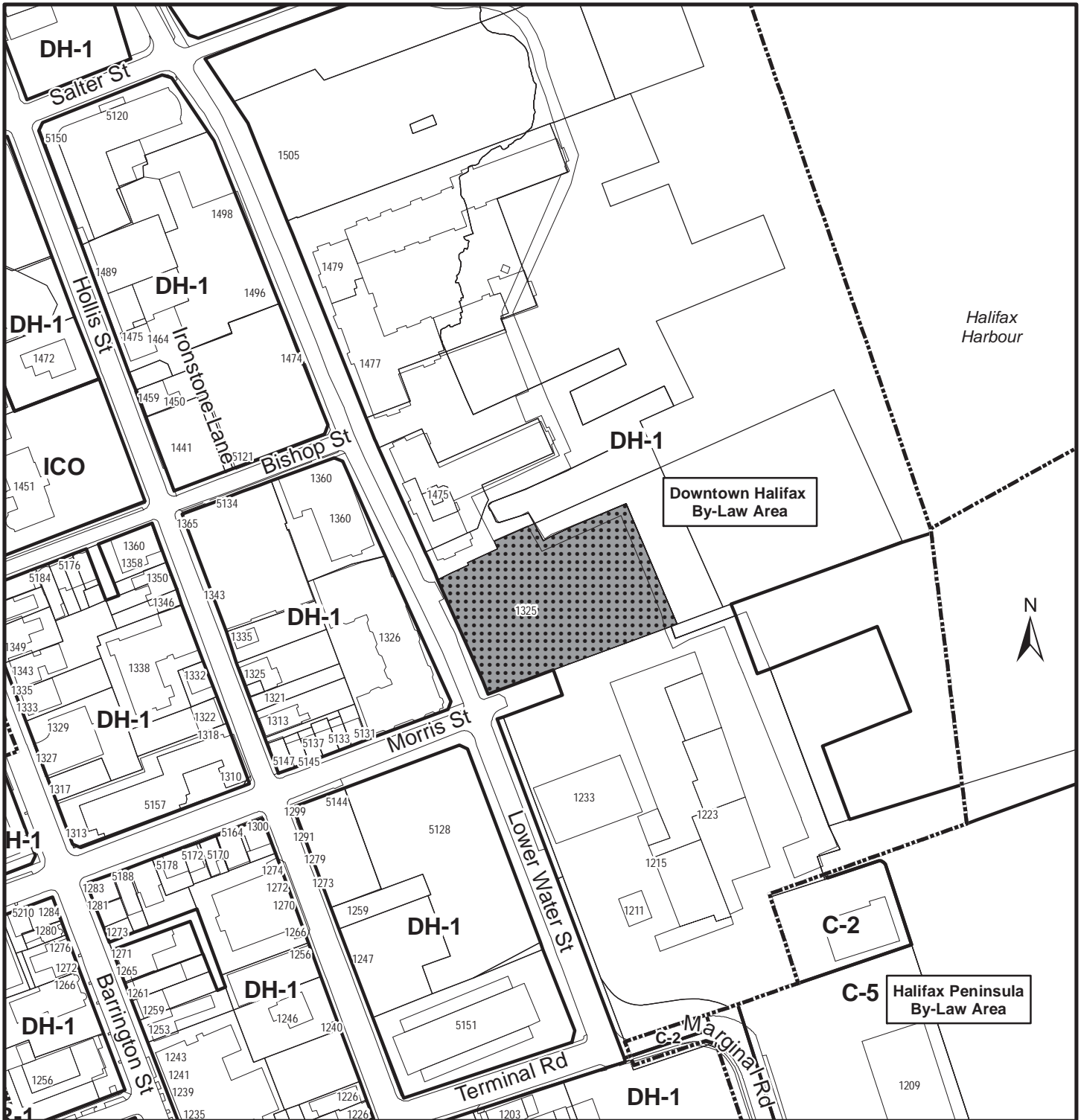
Map 1 Location and Zoning

Attachment A Site Plan Approval Plans
Attachment B Design Rationale and Variance Requests
Attachment C Qualitative Wind Study
Attachment D Design Manual Checklist
Attachment E Post Bonus Height Public Benefit
Attachment F Building Floor Plans

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: Jennifer Chapman, Planner III, 902.490.3999

Report Approved by: Steve Higgins, Manager of Current Planning, 902.490.4800



Map 1 - Zoning and Location

1325 Lower Water Street,
Halifax

 Subject Property

Downtown Halifax
Land Use By-Law Area

Zone

Downtown Halifax Bylaw

DH-1 Downtown Halifax

ICO Institutional, Cultural and Open Space

Halifax Peninsula Bylaw

C-2 General Business

C-5 Harbour-Related Industrial

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.

DATE

This drawing is the exclusive property of Zeidler Architects and shall not be used for any other project without the written consent of Zeidler Architects.



NO.	DATE	DESCRIPTION
1	2017.03.15	ISSUED FOR PERMIT APPLICATION
2	2017.03.15	ISSUED FOR PERMIT APPLICATION
3	2017.03.15	ISSUED FOR PERMIT APPLICATION
4	2017.03.15	ISSUED FOR PERMIT APPLICATION
5	2017.03.15	ISSUED FOR PERMIT APPLICATION
6	2017.03.15	ISSUED FOR PERMIT APPLICATION
7	2017.03.15	ISSUED FOR PERMIT APPLICATION
8	2017.03.15	ISSUED FOR PERMIT APPLICATION
9	2017.03.15	ISSUED FOR PERMIT APPLICATION
10	2017.03.15	ISSUED FOR PERMIT APPLICATION
11	2017.03.15	ISSUED FOR PERMIT APPLICATION
12	2017.03.15	ISSUED FOR PERMIT APPLICATION
13	2017.03.15	ISSUED FOR PERMIT APPLICATION
14	2017.03.15	ISSUED FOR PERMIT APPLICATION
15	2017.03.15	ISSUED FOR PERMIT APPLICATION
16	2017.03.15	ISSUED FOR PERMIT APPLICATION
17	2017.03.15	ISSUED FOR PERMIT APPLICATION

SOUTHWEST PROPERTIES
100, 1475 LOWER WATER STREET
HALIFAX, NOVA SCOTIA B3J 3Z2

PROJECT

CUNARD

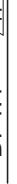
1325 LOWER WATER STREET
HALIFAX, NOVA SCOTIA B3J 2Z2

DRAWING NO.

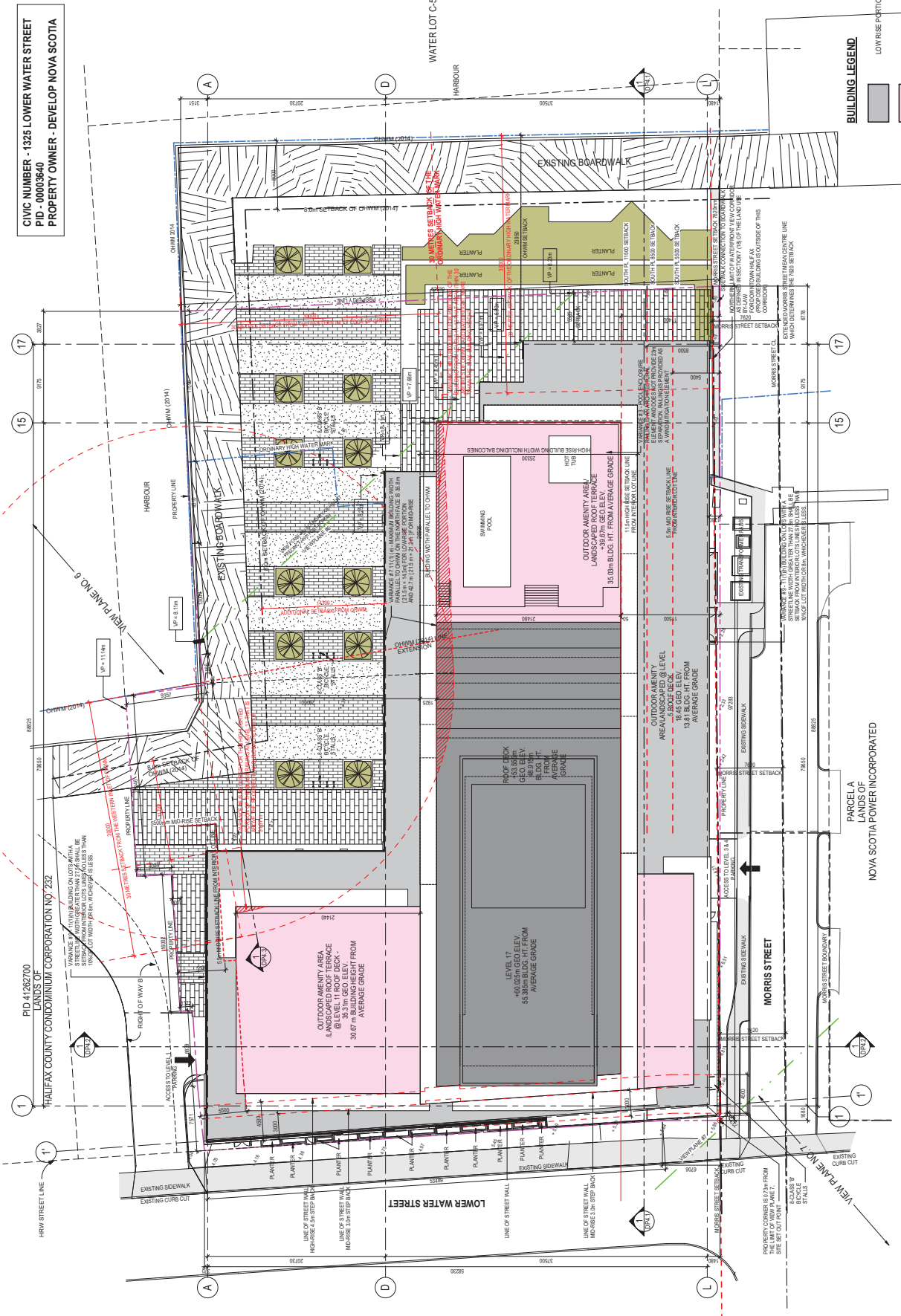
SITE PLAN

SCALE: As Indicated
DRAWN BY: Author
CHECKED BY: Checker
PROJECT NO: 217-152
DATE ISSUED: 13/05/2020

PROJECT NO: DP1.1



CIVIC NUMBER - 1325 LOWER WATER STREET
PID - 00003640
PROPERTY OWNER - DEVELOP NOVA SCOTIA



BUILDING LEGEND

- LOW RISE PORTION
- MID-RISE PORTION
- HIGH-RISE PORTION
- PROPERTY LINE
- SETBACK LINE

1 SITE PLAN
SCALE: 1:200

CIVIC NUMBER - 1325 LOWER WATER STREET
 PID - 00003640
 PROPERTY OWNER - DEVELOP NOVA SCOTIA



300, 640 - 8 Avenue S.W.
 Calgary, AB T2P 1G7
 T +1 403 233 2525

FOR COORDINATION ONLY

DATE

This document is the property of Zeidler. It is to be used only for the project and site for which it was prepared. It is not to be used for any other project or site. All users and owners must refer to the contract documents for the project and site for which it was prepared. This drawing is the exclusive property of Zeidler and its affiliates and is not to be reproduced or used in any way without the prior written consent of Zeidler Architects.



NO.	DATE	DESCRIPTION
1	2019-07-23	ISSUED FOR PRE-APPLICATION
2	2019-08-05	ISSUED FOR PRE-APPLICATION
3	2019-08-20	ISSUED FOR PRE-APPLICATION
4	2019-09-03	ISSUED FOR PRE-APPLICATION
5	2019-09-17	ISSUED FOR PRE-APPLICATION
6	2019-10-01	ISSUED FOR PRE-APPLICATION
7	2019-10-15	ISSUED FOR PRE-APPLICATION
8	2019-10-29	ISSUED FOR PRE-APPLICATION
9	2019-11-12	ISSUED FOR PRE-APPLICATION
10	2019-11-26	ISSUED FOR PRE-APPLICATION
11	2019-12-10	ISSUED FOR PRE-APPLICATION
12	2020-01-03	ISSUED FOR PRE-APPLICATION
13	2020-01-17	ISSUED FOR PRE-APPLICATION
14	2020-01-31	ISSUED FOR PRE-APPLICATION
15	2020-02-14	ISSUED FOR PRE-APPLICATION
16	2020-02-28	ISSUED FOR PRE-APPLICATION
17	2020-03-14	ISSUED FOR PRE-APPLICATION
18	2020-03-28	ISSUED FOR PRE-APPLICATION
19	2020-04-11	ISSUED FOR PRE-APPLICATION
20	2020-04-25	ISSUED FOR PRE-APPLICATION
21	2020-05-09	ISSUED FOR PRE-APPLICATION
22	2020-05-23	ISSUED FOR PRE-APPLICATION
23	2020-06-06	ISSUED FOR PRE-APPLICATION
24	2020-06-20	ISSUED FOR PRE-APPLICATION
25	2020-07-04	ISSUED FOR PRE-APPLICATION
26	2020-07-18	ISSUED FOR PRE-APPLICATION
27	2020-08-01	ISSUED FOR PRE-APPLICATION
28	2020-08-15	ISSUED FOR PRE-APPLICATION
29	2020-08-29	ISSUED FOR PRE-APPLICATION
30	2020-09-12	ISSUED FOR PRE-APPLICATION
31	2020-09-26	ISSUED FOR PRE-APPLICATION
32	2020-10-10	ISSUED FOR PRE-APPLICATION
33	2020-10-24	ISSUED FOR PRE-APPLICATION
34	2020-11-07	ISSUED FOR PRE-APPLICATION
35	2020-11-21	ISSUED FOR PRE-APPLICATION
36	2020-12-05	ISSUED FOR PRE-APPLICATION
37	2020-12-19	ISSUED FOR PRE-APPLICATION
38	2021-01-02	ISSUED FOR PRE-APPLICATION
39	2021-01-16	ISSUED FOR PRE-APPLICATION
40	2021-01-30	ISSUED FOR PRE-APPLICATION
41	2021-02-13	ISSUED FOR PRE-APPLICATION
42	2021-02-27	ISSUED FOR PRE-APPLICATION
43	2021-03-13	ISSUED FOR PRE-APPLICATION
44	2021-03-27	ISSUED FOR PRE-APPLICATION
45	2021-04-10	ISSUED FOR PRE-APPLICATION
46	2021-04-24	ISSUED FOR PRE-APPLICATION
47	2021-05-08	ISSUED FOR PRE-APPLICATION
48	2021-05-22	ISSUED FOR PRE-APPLICATION
49	2021-06-05	ISSUED FOR PRE-APPLICATION
50	2021-06-19	ISSUED FOR PRE-APPLICATION
51	2021-07-03	ISSUED FOR PRE-APPLICATION
52	2021-07-17	ISSUED FOR PRE-APPLICATION
53	2021-07-31	ISSUED FOR PRE-APPLICATION
54	2021-08-14	ISSUED FOR PRE-APPLICATION
55	2021-08-28	ISSUED FOR PRE-APPLICATION
56	2021-09-11	ISSUED FOR PRE-APPLICATION
57	2021-09-25	ISSUED FOR PRE-APPLICATION
58	2021-10-09	ISSUED FOR PRE-APPLICATION
59	2021-10-23	ISSUED FOR PRE-APPLICATION
60	2021-11-06	ISSUED FOR PRE-APPLICATION
61	2021-11-20	ISSUED FOR PRE-APPLICATION
62	2021-12-04	ISSUED FOR PRE-APPLICATION
63	2021-12-18	ISSUED FOR PRE-APPLICATION
64	2022-01-01	ISSUED FOR PRE-APPLICATION
65	2022-01-15	ISSUED FOR PRE-APPLICATION
66	2022-01-29	ISSUED FOR PRE-APPLICATION
67	2022-02-12	ISSUED FOR PRE-APPLICATION
68	2022-02-26	ISSUED FOR PRE-APPLICATION
69	2022-03-12	ISSUED FOR PRE-APPLICATION
70	2022-03-26	ISSUED FOR PRE-APPLICATION
71	2022-04-09	ISSUED FOR PRE-APPLICATION
72	2022-04-23	ISSUED FOR PRE-APPLICATION
73	2022-05-07	ISSUED FOR PRE-APPLICATION
74	2022-05-21	ISSUED FOR PRE-APPLICATION
75	2022-06-04	ISSUED FOR PRE-APPLICATION
76	2022-06-18	ISSUED FOR PRE-APPLICATION
77	2022-07-02	ISSUED FOR PRE-APPLICATION
78	2022-07-16	ISSUED FOR PRE-APPLICATION
79	2022-07-30	ISSUED FOR PRE-APPLICATION
80	2022-08-13	ISSUED FOR PRE-APPLICATION
81	2022-08-27	ISSUED FOR PRE-APPLICATION
82	2022-09-10	ISSUED FOR PRE-APPLICATION
83	2022-09-24	ISSUED FOR PRE-APPLICATION
84	2022-10-08	ISSUED FOR PRE-APPLICATION
85	2022-10-22	ISSUED FOR PRE-APPLICATION
86	2022-11-05	ISSUED FOR PRE-APPLICATION
87	2022-11-19	ISSUED FOR PRE-APPLICATION
88	2022-12-03	ISSUED FOR PRE-APPLICATION
89	2022-12-17	ISSUED FOR PRE-APPLICATION
90	2023-01-01	ISSUED FOR PRE-APPLICATION
91	2023-01-15	ISSUED FOR PRE-APPLICATION
92	2023-01-29	ISSUED FOR PRE-APPLICATION
93	2023-02-12	ISSUED FOR PRE-APPLICATION
94	2023-02-26	ISSUED FOR PRE-APPLICATION
95	2023-03-12	ISSUED FOR PRE-APPLICATION
96	2023-03-26	ISSUED FOR PRE-APPLICATION
97	2023-04-09	ISSUED FOR PRE-APPLICATION
98	2023-04-23	ISSUED FOR PRE-APPLICATION
99	2023-05-07	ISSUED FOR PRE-APPLICATION
100	2023-05-21	ISSUED FOR PRE-APPLICATION

SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

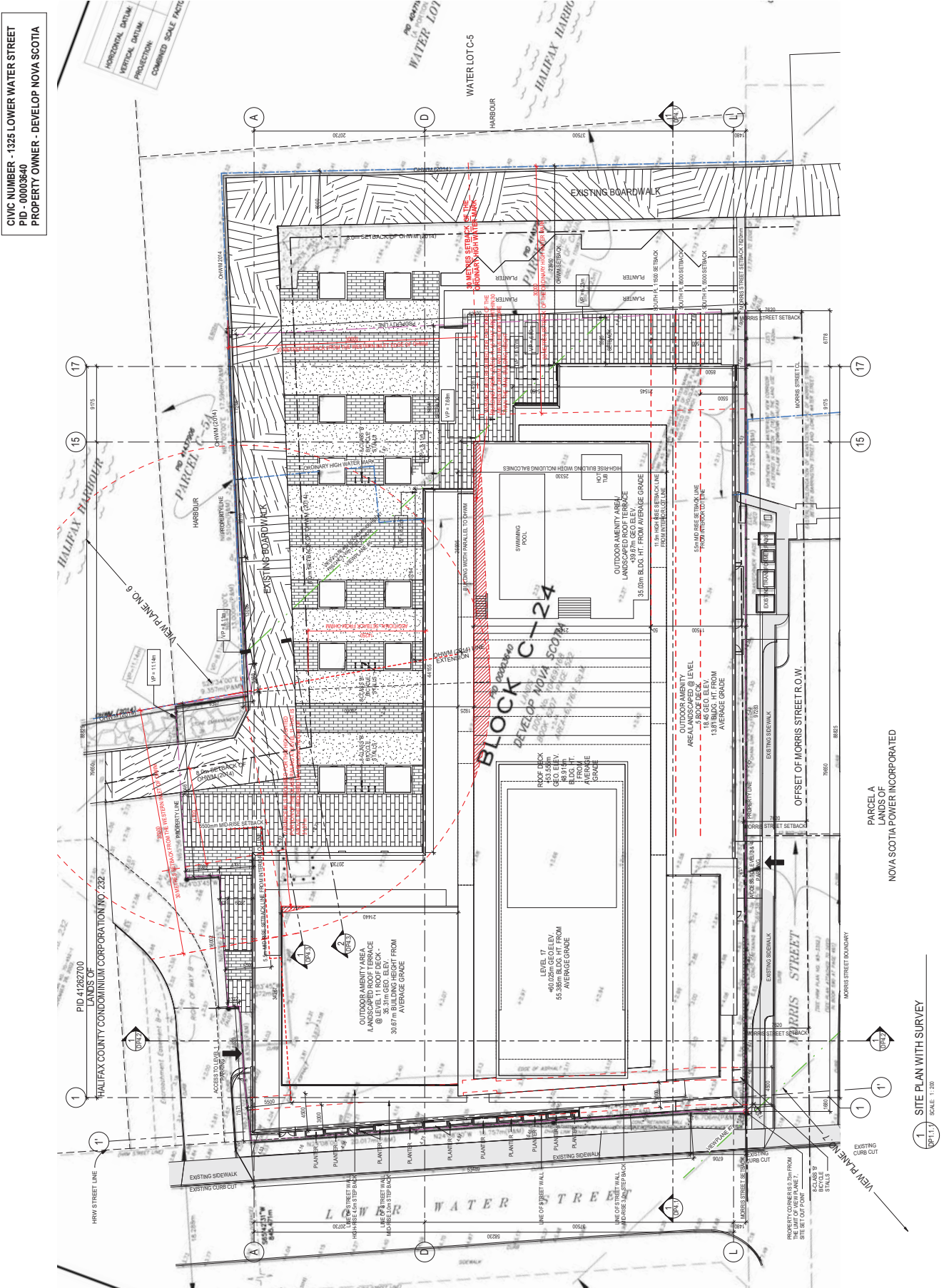
CUNARD
 1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

DATE

SCALE

1:200
 Author
 Checked
 27-152
 13/05/2020

PROJECT NO.
 DP1.1.1



1 SITE PLAN WITH SURVEY
 DP1.1.1 SCALE 1:200

PARCEL A
 LANDS OF
 NOVA SCOTIA POWER INCORPORATED

sheet

consultants

This document is the property of Zeidler. It is to be used only for the project and site for which it was prepared. It is not to be used for any other project or site without the prior written consent of Zeidler. This drawing is the exclusive property of Zeidler and its consultants. © Zeidler Architects



NO.	DATE	DESCRIPTION
1	2017.07.20	ISSUED FOR PRE-APPLICATION
2	2017.08.01	ISSUED FOR PRE-APPLICATION
3	2017.08.01	REVISED FOR PRE-APPLICATION
4	2017.08.01	REVISED FOR PRE-APPLICATION
5	2017.08.01	REVISED FOR PRE-APPLICATION
6	2017.08.01	REVISED FOR PRE-APPLICATION
7	2017.08.01	REVISED FOR PRE-APPLICATION
8	2017.08.01	REVISED FOR PRE-APPLICATION
9	2017.08.01	REVISED FOR PRE-APPLICATION
10	2017.08.01	REVISED FOR PRE-APPLICATION
11	2017.08.01	REVISED FOR PRE-APPLICATION
12	2017.08.01	REVISED FOR PRE-APPLICATION
13	2017.08.01	REVISED FOR PRE-APPLICATION
14	2017.08.01	REVISED FOR PRE-APPLICATION
15	2017.08.01	REVISED FOR PRE-APPLICATION

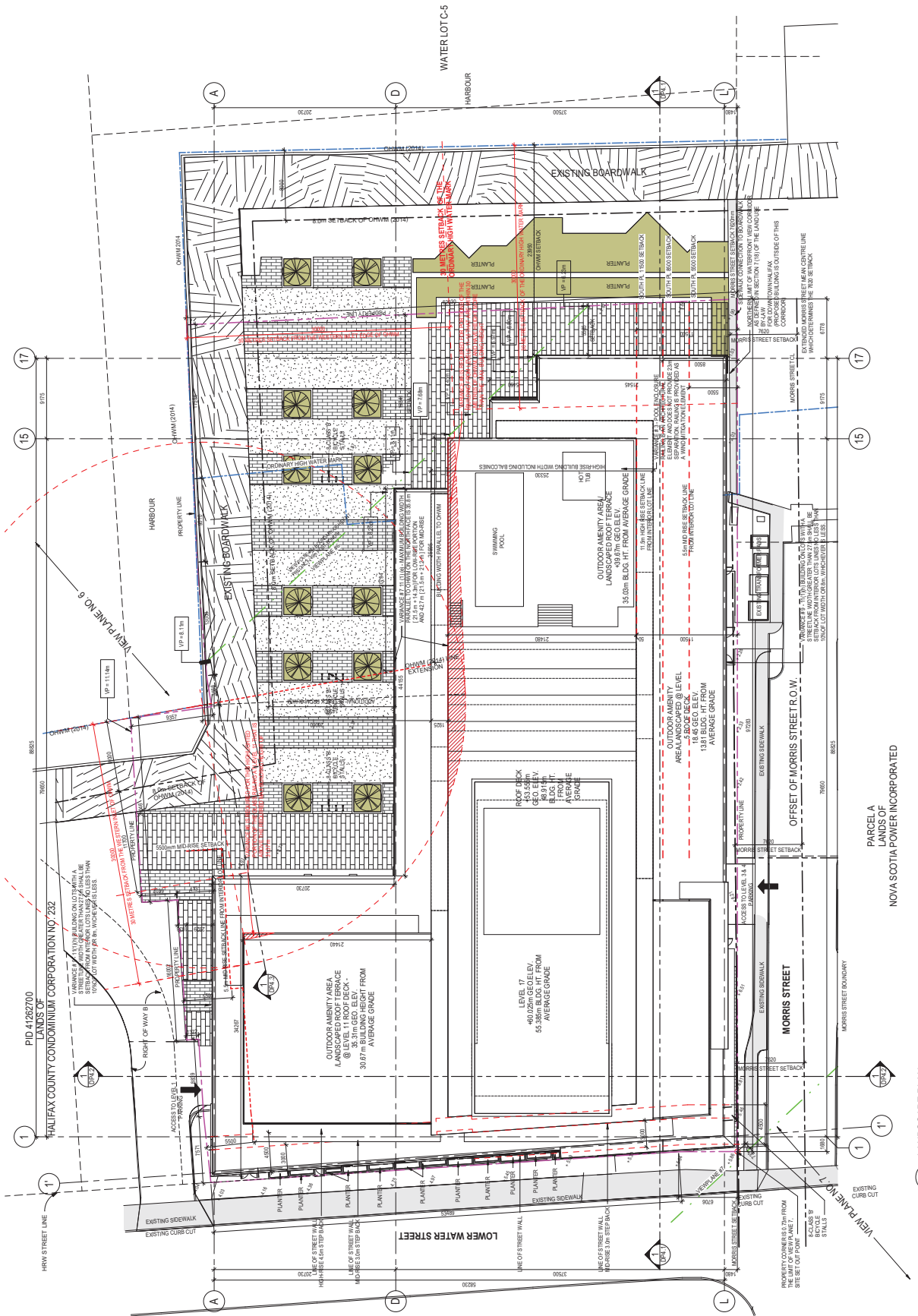
SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

CUNARD
 1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

LANDSCAPE PLAN

scale:	1:200
drawn by:	Author
checked by:	Checker
project no.:	27-152
date issued:	13/05/2020

sheet no. **DP1.5** of 15



2 LANDSCAPE PLAN
 DP1.5 SCALE 1:200

PARCEL A
 LANDS OF
 NOVA SCOTIA POWER INCORPORATED

OFFSET OF MORRIS STREET R.O.W.

MORRIS STREET

EXISTING SIDEWALK

EXISTING CURB CUT

EXISTING BOARDWALK

EXISTING BOARDWALK

EXISTING BOARDWALK

EXISTING BOARDWALK

EXISTING BOARDWALK

EXISTING BOARDWALK

This document is the property of Zeidler Associates Inc. and is to be used only for the project and site specified herein. It is not to be used for any other project or site without the written consent of Zeidler Associates Inc.

ITEM	DESCRIPTION
1	200319 - RESERVED FOR PRE-APPLICATION
2	200319 - RESERVED FOR PRE-APPLICATION
3	200319 - RESERVED FOR PRE-APPLICATION
4	200319 - RESERVED FOR PRE-APPLICATION
5	200319 - RESERVED FOR PRE-APPLICATION
6	200319 - RESERVED FOR PRE-APPLICATION
7	200319 - RESERVED FOR PRE-APPLICATION
8	200319 - RESERVED FOR PRE-APPLICATION
9	200319 - RESERVED FOR PRE-APPLICATION
10	200319 - RESERVED FOR PRE-APPLICATION
11	200319 - RESERVED FOR PRE-APPLICATION
12	200319 - RESERVED FOR PRE-APPLICATION
13	200319 - RESERVED FOR PRE-APPLICATION
14	200319 - RESERVED FOR PRE-APPLICATION
15	200319 - RESERVED FOR PRE-APPLICATION
16	200319 - RESERVED FOR PRE-APPLICATION
17	200319 - RESERVED FOR PRE-APPLICATION
18	200319 - RESERVED FOR PRE-APPLICATION
19	200319 - RESERVED FOR PRE-APPLICATION

SOUTHWEST PROPERTIES
100, 1475 LOWER WATER STREET
HALIFAX, NOVA SCOTIA B3J 3Z2

PROJECT NO:
CUMRAD

1325 LOWER WATER STREET
HALIFAX, NOVA SCOTIA B3J 2Z2

DATE ISSUED: 13/05/2020

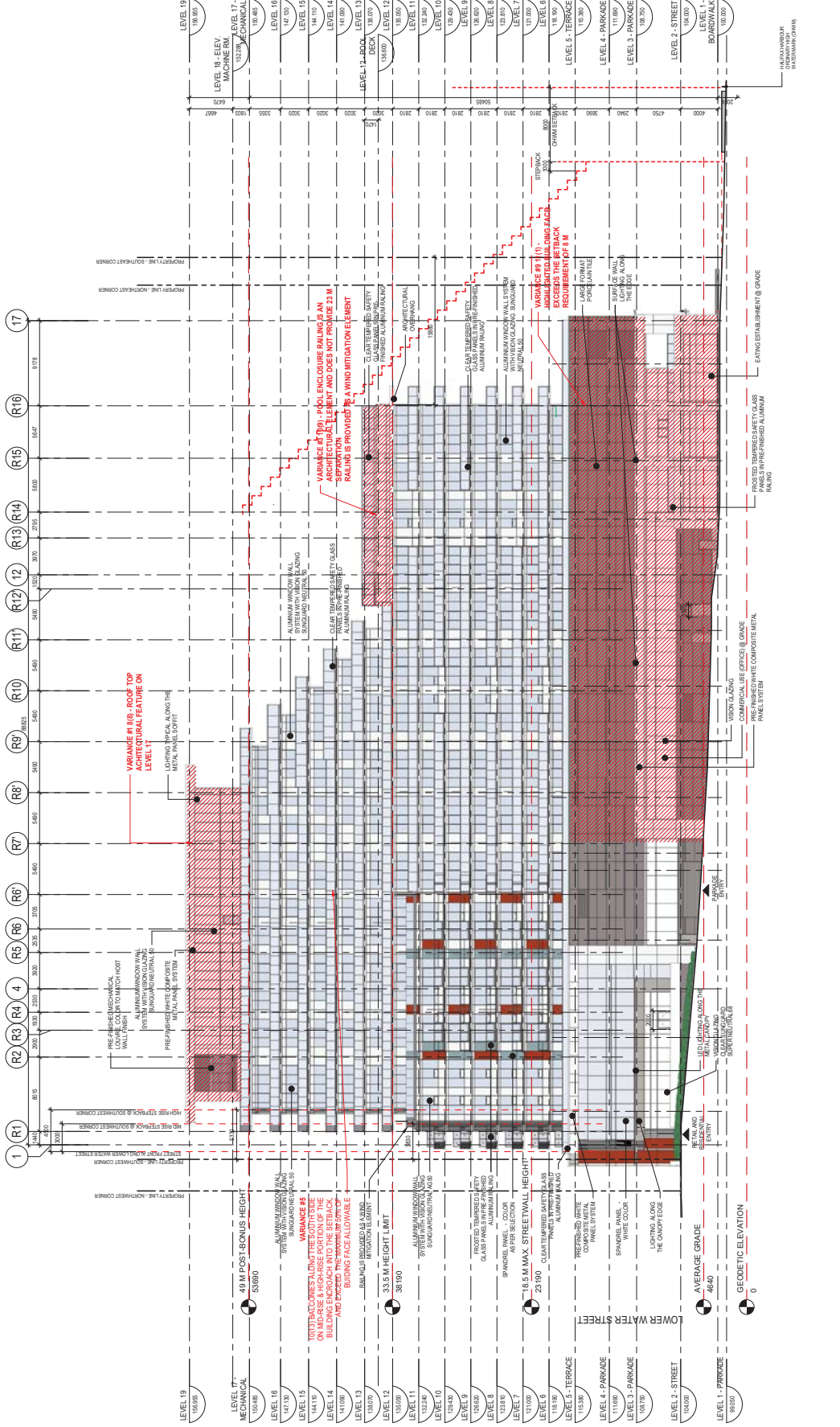
SCALE: 1:1200

DRAWN BY: Author

CHECKED BY: Checker

PROJECT NO: 217-152

DATE ISSUED: 13/05/2020



1 BUILDING ELEVATION - SOUTH
DP3.1 SCALE: 1:200

001

001

This document is the property of Zeidler. It is to be used only for the project and site specified herein. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Zeidler Architects and Engineers.

NO.	DATE	REVISION
1	2023/07/27	ISSUED FOR PRE-APPLICATION
2	2023/07/27	ISSUED FOR PRE-APPLICATION
3	2023/07/27	ISSUED FOR PRE-APPLICATION
4	2023/07/27	ISSUED FOR PRE-APPLICATION
5	2023/07/27	ISSUED FOR PRE-APPLICATION
6	2023/07/27	ISSUED FOR PRE-APPLICATION
7	2023/07/27	ISSUED FOR PRE-APPLICATION
8	2023/07/27	ISSUED FOR PRE-APPLICATION
9	2023/07/27	ISSUED FOR PRE-APPLICATION
10	2023/07/27	ISSUED FOR PRE-APPLICATION
11	2023/07/27	ISSUED FOR PRE-APPLICATION
12	2023/07/27	ISSUED FOR PRE-APPLICATION
13	2023/07/27	ISSUED FOR PRE-APPLICATION
14	2023/07/27	ISSUED FOR PRE-APPLICATION
15	2023/07/27	ISSUED FOR PRE-APPLICATION
16	2023/07/27	ISSUED FOR PRE-APPLICATION
17	2023/07/27	ISSUED FOR PRE-APPLICATION
18	2023/07/27	ISSUED FOR PRE-APPLICATION
19	2023/07/27	ISSUED FOR PRE-APPLICATION

SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

PROJECT NO:
 CUNARD

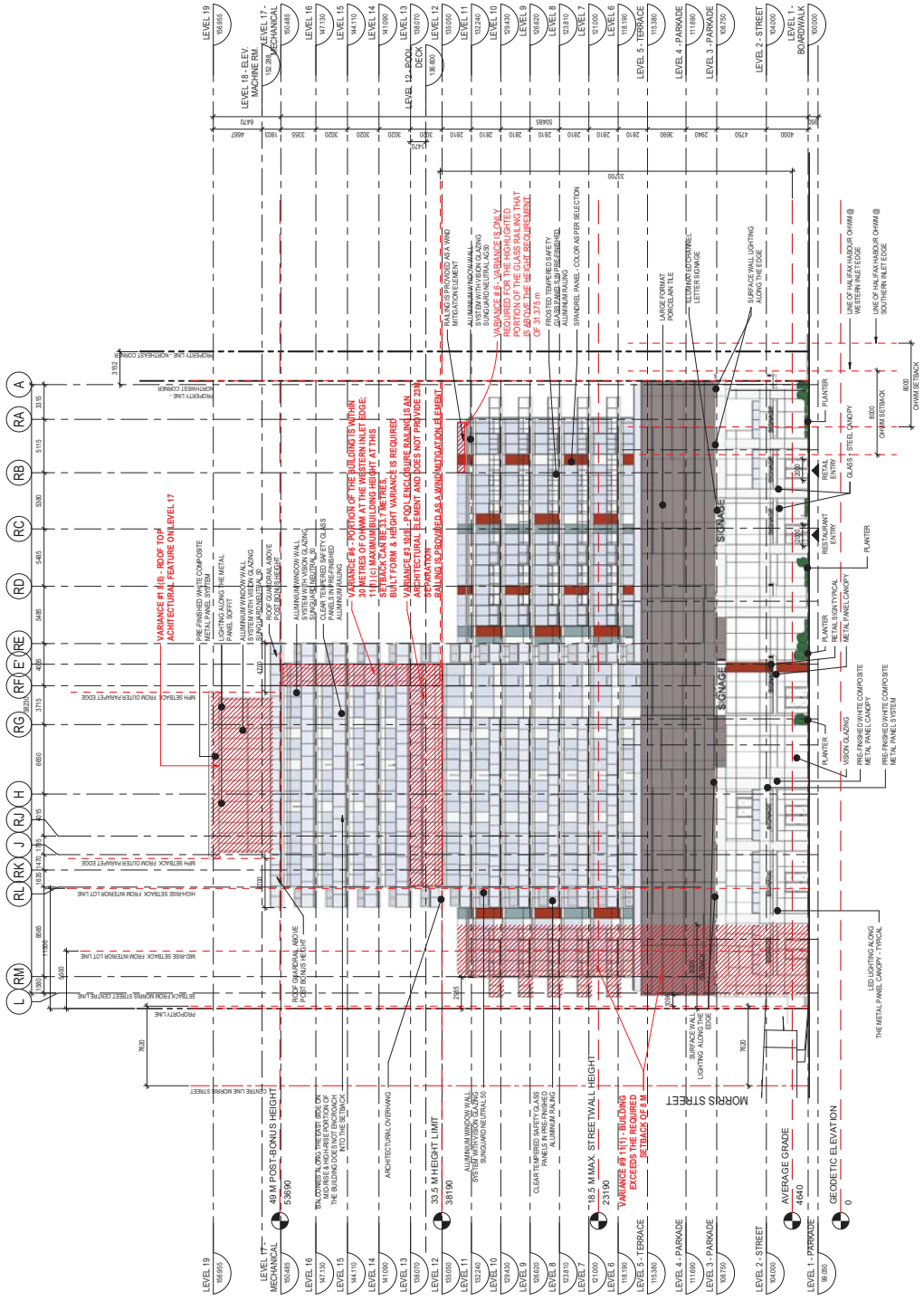
1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

DATE ISSUED: 13/05/2020

SCALE: 1:200
 DRAWN BY: Author
 CHECKED BY: Checker
 PROJECT NO: 217-152
 DATE ISSUED: 13/05/2020

PROJECT NO: DP3.2

19



1 BUILDING ELEVATION - EAST
 DP3.2 SCALE: 1:200

This drawing is the property of Zeidler Architects and shall remain the property of Zeidler Architects. This drawing is the exclusive property of Zeidler Architects and shall remain the property of Zeidler Architects.



NO.	DATE	DESCRIPTION
1	2020/07/07	ISSUED FOR PERMIT
2	2020/07/07	ISSUED FOR PERMIT

SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

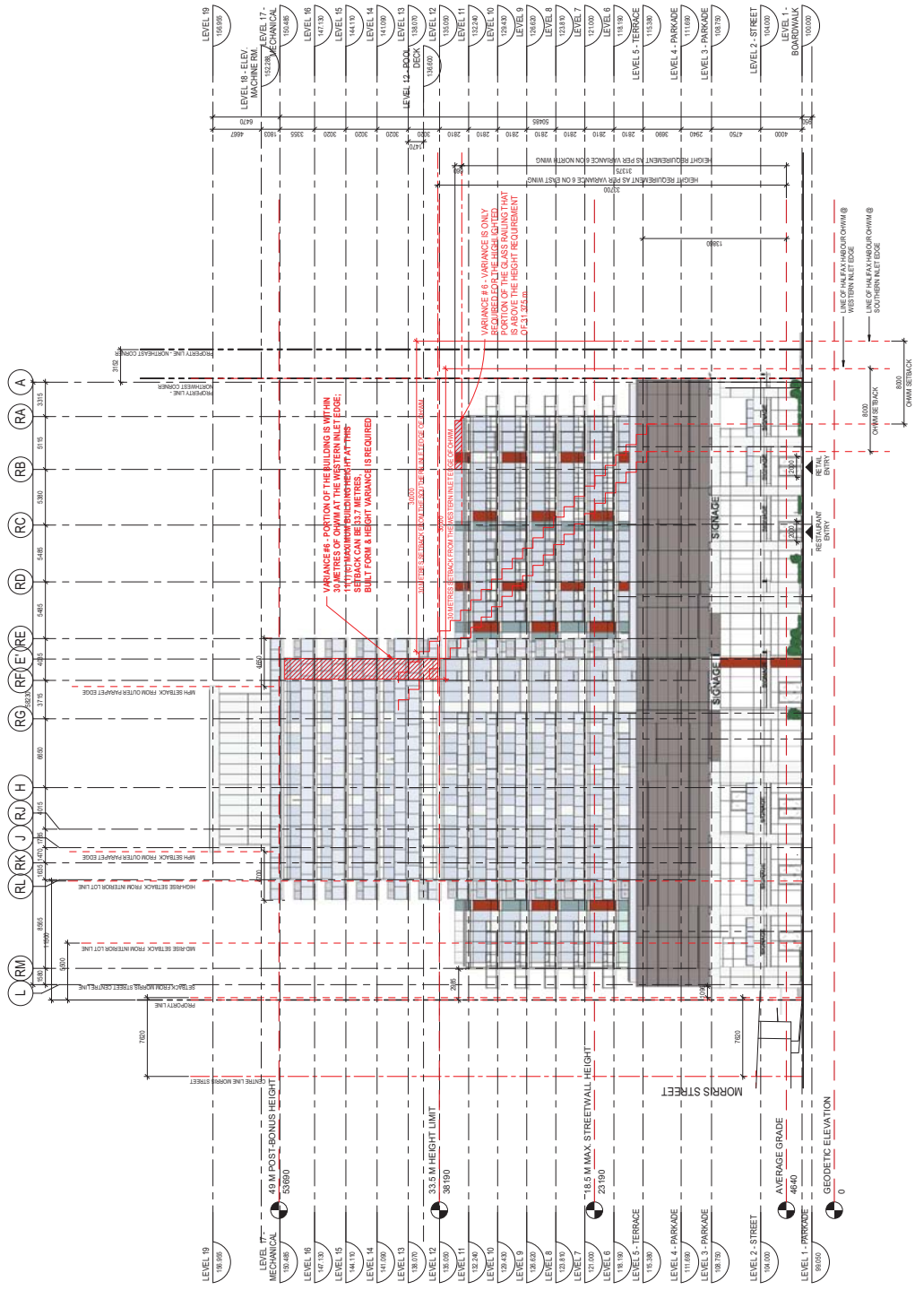
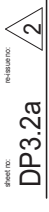
CUNARD

1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

Scale: 1:200
 Author: [Name]
 Checked by: [Name]
 Project No: 217-152
 Date Issued: 13/05/2020

**EAST BUILDING ELEVATION
 30 METRES SETBACK
 REQUIREMENT**

Sheet No: DP3.2a



1 BUILDING ELEVATION - EAST - 30 M SETBACK
 DP3.2a SCALE 1:200

sheet

consultants

This document is the property of Zeidler. It is to be used only for the project and site specified herein. This drawing is the exclusive property of Zeidler Architects and shall not be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Zeidler Architects.

NO.	DATE	REVISIONS
1	2020/07/16	ISSUED FOR PRE-APPLICATION
2	2020/07/16	ISSUED FOR PRE-APPLICATION
3	2020/07/16	ISSUED FOR PRE-APPLICATION
4	2020/07/16	ISSUED FOR PRE-APPLICATION
5	2020/07/16	ISSUED FOR PRE-APPLICATION
6	2020/07/16	ISSUED FOR PRE-APPLICATION
7	2020/07/16	ISSUED FOR PRE-APPLICATION
8	2020/07/16	ISSUED FOR PRE-APPLICATION
9	2020/07/16	ISSUED FOR PRE-APPLICATION
10	2020/07/16	ISSUED FOR PRE-APPLICATION
11	2020/07/16	ISSUED FOR PRE-APPLICATION
12	2020/07/16	ISSUED FOR PRE-APPLICATION
13	2020/07/16	ISSUED FOR PRE-APPLICATION
14	2020/07/16	ISSUED FOR PRE-APPLICATION
15	2020/07/16	ISSUED FOR PRE-APPLICATION
16	2020/07/16	ISSUED FOR PRE-APPLICATION
17	2020/07/16	ISSUED FOR PRE-APPLICATION
18	2020/07/16	ISSUED FOR PRE-APPLICATION
19	2020/07/16	ISSUED FOR PRE-APPLICATION
20	2020/07/16	ISSUED FOR PRE-APPLICATION

SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER
 STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

PROJECT NO.
 CUMRAD

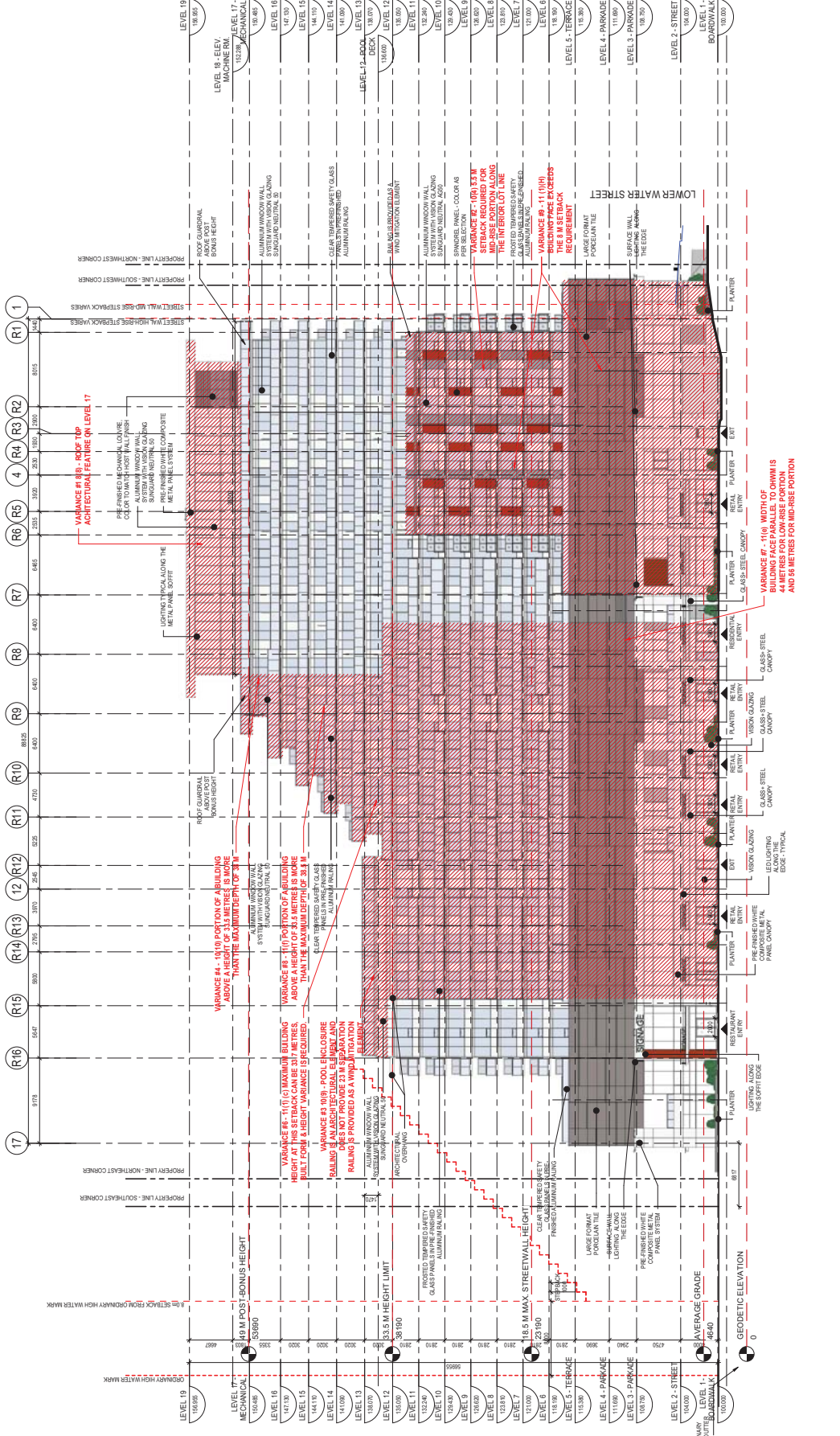
1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

drawing title

BUILDING ELEVATIONS

scale:	1:200
drawn by:	Author
checked by:	Checker
project no.:	217-152
date issued:	13/05/2020
sheet no.:	

sheet no. **DP3.3**



1 BUILDING ELEVATION - NORTH
 DP3.3 SCALE 1:200



300, 640 - 8 Avenue S.W.
 Calgary, AB T2P 1G7
 T +1 403 233 2525

968

CONSULTANTS

This document is the property of Zeidler Associates Inc. It is to be used only for the project and site identified herein. It is not to be used for any other project or site. All users and owners must refer to the drawings in the exhibit property of Zeidler Associates Inc. and not to this document. © Zeidler Associates Inc.

NO.	DATE	REVISION
1	2019.07.22	ISSUED FOR PRE-APPLICATION
2	2019.08.01	ISSUED FOR PRE-APPLICATION
3	2019.08.01	ISSUED FOR PRE-APPLICATION
4	2019.08.01	ISSUED FOR PRE-APPLICATION
5	2019.08.01	ISSUED FOR PRE-APPLICATION
6	2019.08.01	ISSUED FOR PRE-APPLICATION
7	2019.08.01	ISSUED FOR PRE-APPLICATION
8	2019.08.01	ISSUED FOR PRE-APPLICATION
9	2019.08.01	ISSUED FOR PRE-APPLICATION
10	2019.08.01	ISSUED FOR PRE-APPLICATION
11	2019.08.01	ISSUED FOR PRE-APPLICATION
12	2019.08.01	ISSUED FOR PRE-APPLICATION
13	2019.08.01	ISSUED FOR PRE-APPLICATION
14	2019.08.01	ISSUED FOR PRE-APPLICATION
15	2019.08.01	ISSUED FOR PRE-APPLICATION
16	2019.08.01	ISSUED FOR PRE-APPLICATION
17	2019.08.01	ISSUED FOR PRE-APPLICATION
18	2019.08.01	ISSUED FOR PRE-APPLICATION
19	2019.08.01	ISSUED FOR PRE-APPLICATION
20	2019.08.01	ISSUED FOR PRE-APPLICATION

SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

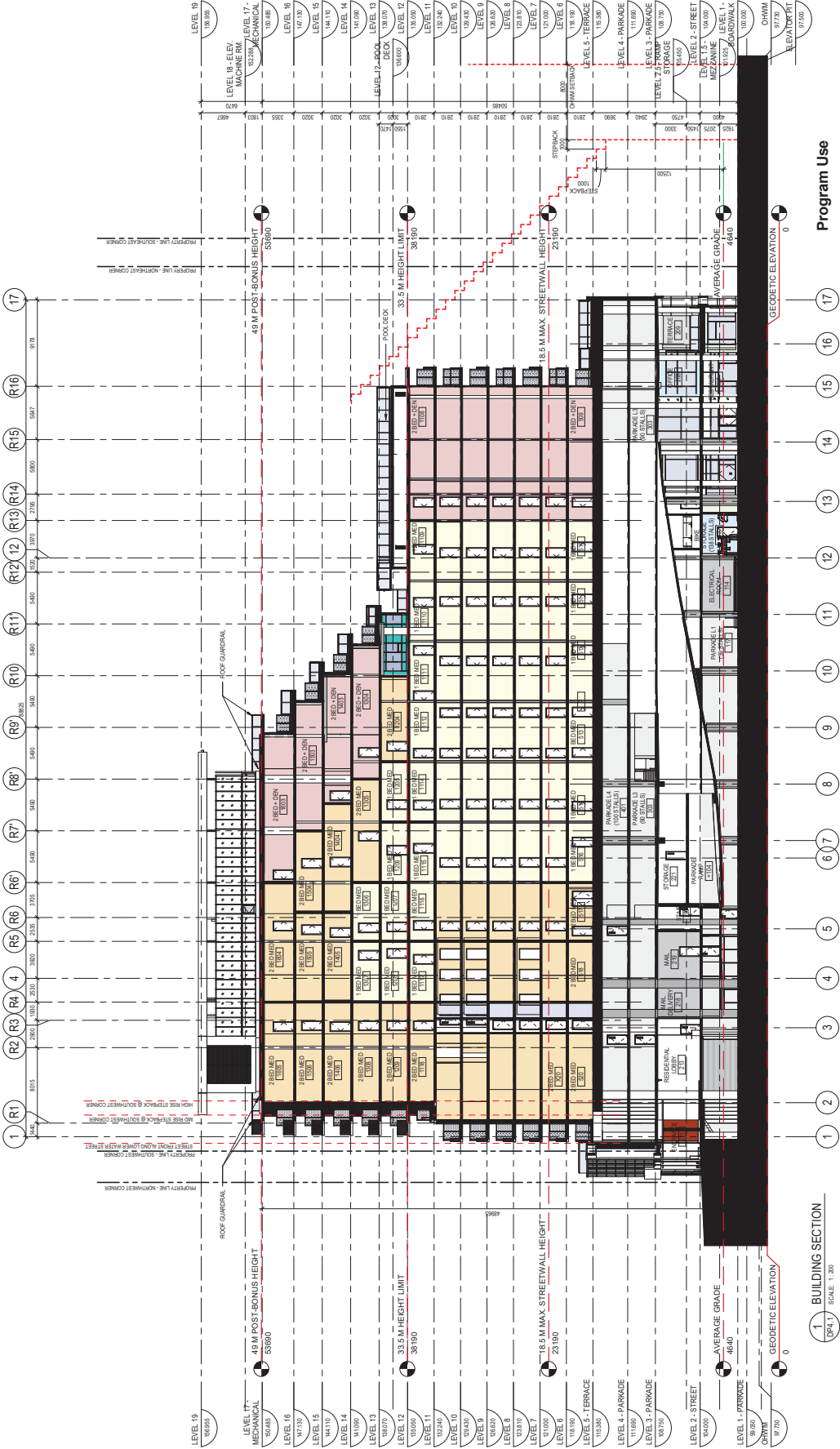
PROJECT NO.
 CUNARD

1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

DRAWING NO.

BUILDING SECTIONS

scale: 1:200
 drawn by: Author
 checked by: Checker
 project no: 217-152
 date issued: 13/05/2020
 sheet no: DP4.1
 revision: 20



Program Use

- AMENITY
- FITNESS ROOM
- OFFICE
- OUTDOOR AMENITY
- RESTAURANT
- SERVICE
- PARKADE
- CIRCULATION
- TWO BEDROOM + DEN
- TWO BEDROOM MEDIUM
- ONE BEDROOM MEDIUM
- ONE BEDROOM SMALL

1 BUILDING SECTION
 1/24.1 SCALE 1:200



300, 640 - 8 Avenue S.W.
Calgary, AB T2P 1G7
T +1 403 233 2525

001

consultants

This drawing is the property of Zeidler Architects and is to be used only for the project and site specified herein. It is not to be used for any other project or site without the written consent of Zeidler Architects.

NO.	DATE	DESCRIPTION
1	2023.07.10	ISSUED FOR PRE-APPLICATION
2	2023.07.10	ISSUED FOR PRE-APPLICATION
3	2023.07.10	ISSUED FOR PRE-APPLICATION
4	2023.07.10	ISSUED FOR PRE-APPLICATION
5	2023.07.10	ISSUED FOR PRE-APPLICATION
6	2023.07.10	ISSUED FOR PRE-APPLICATION
7	2023.07.10	ISSUED FOR PRE-APPLICATION
8	2023.07.10	ISSUED FOR PRE-APPLICATION
9	2023.07.10	ISSUED FOR PRE-APPLICATION
10	2023.07.10	ISSUED FOR PRE-APPLICATION
11	2023.07.10	ISSUED FOR PRE-APPLICATION
12	2023.07.10	ISSUED FOR PRE-APPLICATION
13	2023.07.10	ISSUED FOR PRE-APPLICATION
14	2023.07.10	ISSUED FOR PRE-APPLICATION
15	2023.07.10	ISSUED FOR PRE-APPLICATION
16	2023.07.10	ISSUED FOR PRE-APPLICATION
17	2023.07.10	ISSUED FOR PRE-APPLICATION
18	2023.07.10	ISSUED FOR PRE-APPLICATION
19	2023.07.10	ISSUED FOR PRE-APPLICATION
20	2023.07.10	ISSUED FOR PRE-APPLICATION
21	2023.07.10	ISSUED FOR PRE-APPLICATION

PROJECT
CUNARD
SOUTHWEST PROPERTIES
100, 1475 LOWER WATER STREET
HALIFAX, NOVA SCOTIA B3J 3Z2

PROJECT NO.

CUNARD

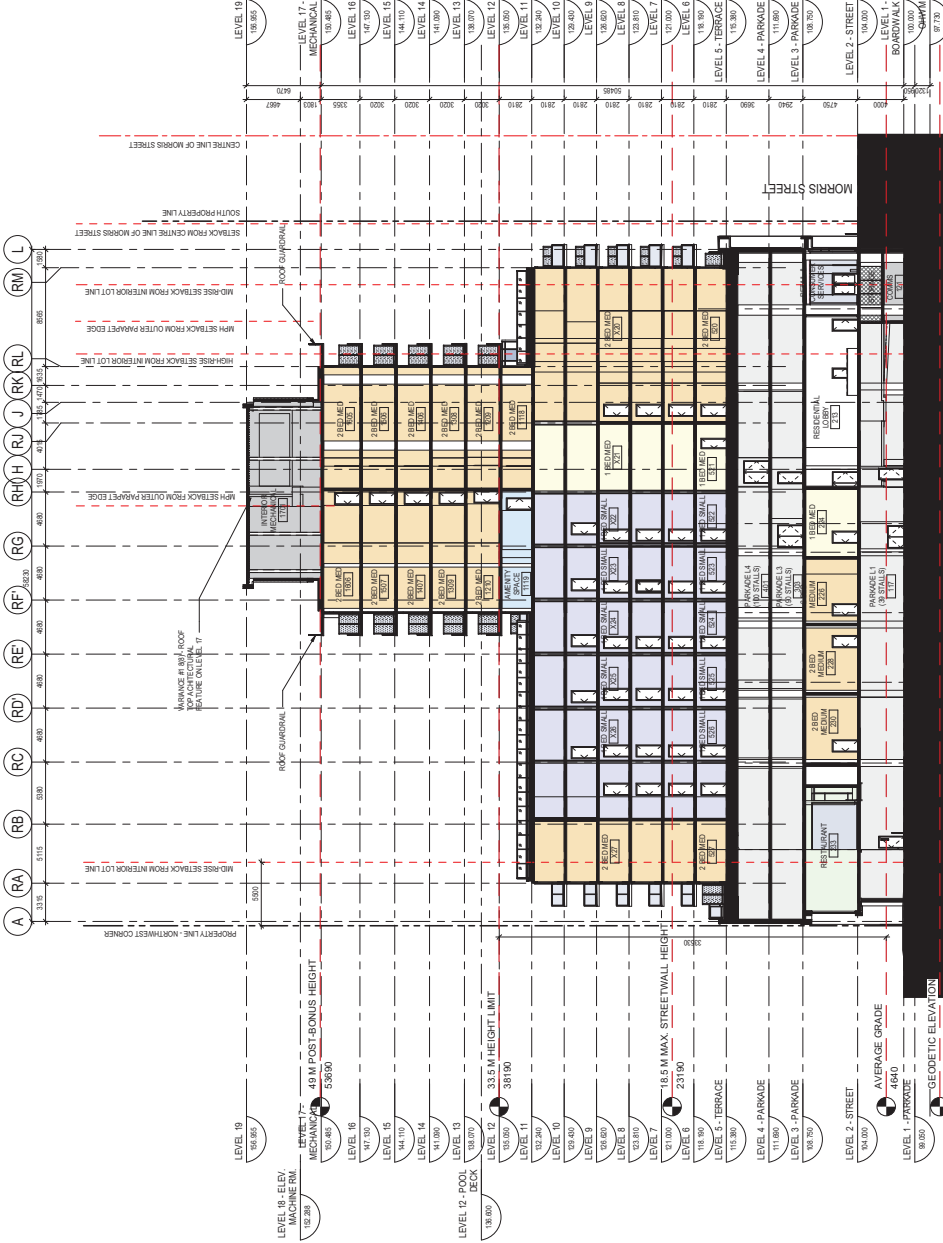
1325 LOWER WATER STREET
HALIFAX, NOVA SCOTIA B3J 2Z2

DATE

BUILDING SECTIONS

SCALE: 1:200
DRAWN BY: Author
CHECKED BY: Checker
PROJECT NO: 217-152
DATE ISSUED: 13/05/2020

PROJECT NO: DP4.2



Program Use

- AMENITY
- OUTDOOR AMENITY
- RESTAURANT
- RETAIL
- SERVICE
- PARKADE
- CIRCULATION
- TWO BEDROOM MEDIUM
- TWO BEDROOM SMALL
- ONE BEDROOM MEDIUM
- ONE BEDROOM SMALL

1 BUILDING SECTION
SCALE: 1:200



300, 640 - 8 Avenue S.W.
 Calgary, AB T2P 1G7
 T +1 403 233 2525

001

CONTRACT

This drawing is the property of Zeidler Architects and is to be used only for the project and site specified herein. It is not to be used for any other project or site without the prior written consent of Zeidler Architects. This drawing is the exclusive property of Zeidler Architects and is not to be used for any other project or site without the prior written consent of Zeidler Architects.



NO.	DATE	DESCRIPTION
1	10/20/20	ISSUED FOR APPLICATION

client
 SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER
 STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

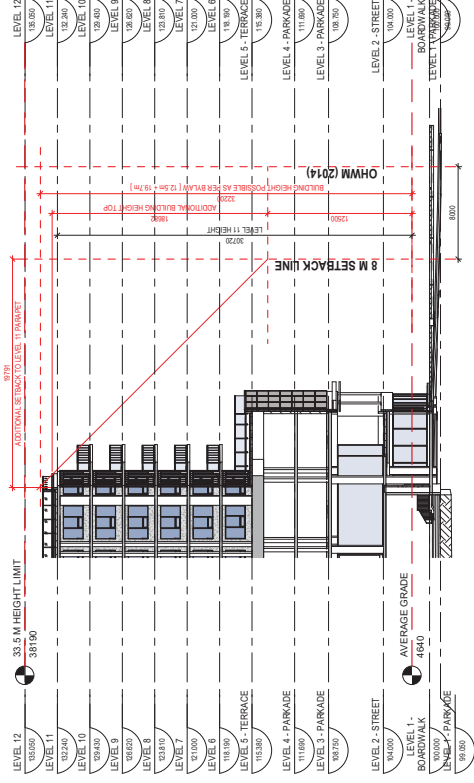
PROJECT
 CUNARD

1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

drawing title
 SECTION THROUGH LEVEL
 11 TERRACE

scale:	1: 200
drawn by:	Author
checked by:	Checker
project no.:	27-152
date issued:	13/05/2020

sheet no. **DP4.3**

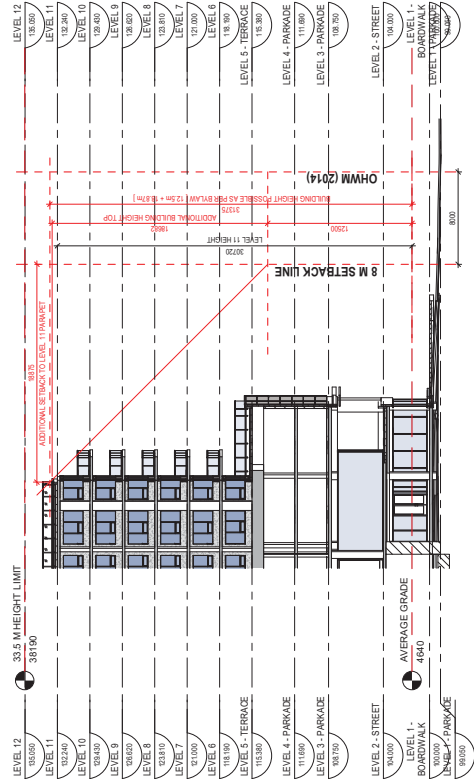


SECTION DETAIL SHOWING THE HEIGHT OF
 LEVEL 11 PARAPET

2 DP4.3 SCALE: 1: 200

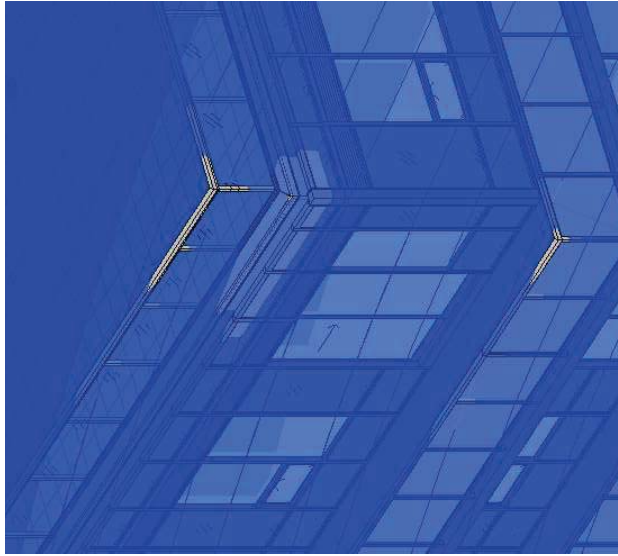


3D VIEW ILLUSTRATING THAT THE LEVEL 11 PARAPET DOES NOT ENCRUCH ON THE OHMM SETBACK



SECTION DETAIL SHOWING THE HEIGHT OF
 LEVEL 11 GLASS RAILING

1 DP4.3 SCALE: 1: 200



3D VIEW ILLUSTRATING THE PORTION OF GLASS RAILING ON LEVEL 11 THAT ENCRUCH ON THE 30 M SETBACK REQUIREMENTS

217-152 Cunard Waterfront DT LU Bylaw Review

Cunard Block Waterfront
Downtown Land Use Bylaw Review
DP Application
Design Rationale and Requested Variances



May 13th, 2020

Prepared by:
Zeidler Architecture

Executive Summary

The Cunard Block is located on the prominent corner of 1325 Lower Water Street and Morris Street in downtown Halifax, Nova Scotia. The proposed Cunard building backs onto the harbour boardwalk and incorporates the public realm into the site through a mixed-use podium including office, retail, and 2-storeys of the architecturally screened parkade. The proposed project incorporates active street fronts on all elevations and an extensive, high-quality waterfront public plaza framed by 16-storey residential tower terracing towards the waterfront.

Cunard Lower Water Street façade embraces the meandering quality of Lower Water Street as desired in the design manual. The podium street wall façade angles to follow the street angle, while the mid-rise residential form along Lower Water Street steps back reducing the massing above the Street wall. The primary residential entrance is located at the important intersection of Lower Water Street and Morris Street. The Lower Water Street wall is activated by Commercial Retail Unit (CRU), Office and Restaurant directly accessible off the street front. The public plaza is activated by a mix of CRU units, restaurants, secondary residential lobby and as well as a mix of Patios and Terraces. Morris Street extension is activated by the CRU, as well as a pedestrian street extension to the boardwalk.

Public vehicle access to level 1 is limited to the north façade, utilising a shared existing driveway allows minimal impact on the pedestrian movements along Lower Water Street. Level 1 includes 39 parking stalls, waste and recycling, loading and drops off provided internally below Lower Water Street level. Residential parking access is provided of the south façade from the Morris Street Extension. Residential parking utilizes an internal ramp up to Level 3 and Level 4, maximising the active elevations along the exterior street level. Level 3 and level 4 are designed with an architectural stone/tile façade broken with a feature element above the residential entry below.

The building massing is comprised of a four-storey street wall podium, north to south and east to west six-storey mid-rise masses, a five-storey tower capped by an architectural feature (mechanical penthouse). The four-storey podium provides mixed-use street wall at grade and parkade above. The mid-rise residential forms above the podium step back from the podium wall plane, creating an accessible roof terrace and reducing the massing as seen from street level. The residential form is further broken down into two distinct but connected masses. The Lower Water Street residential mass runs south to north six-storeys and is distinguished by glazing color and frosted balcony glass. The Morris Street Residential mass runs east to west parallel to Morris Street and setback farther back from Morris Street than the Lower Water Street mass. The Morris Street mass gradually steps back from the waterfront providing a diminishing mass as seen from the waterfront and harbour front walk.

The building design embraces the outdoor amenity spaces created by the unique massing. Outdoor terraces are provided at the top of the podium, above the Lower Water Street mass, and the transition from mid-rise to the high rise of the Morris Street mass. The inclusion of extensive private balconies provides ample opportunity for residential access to both private and semi-public outdoor space.

As per section 3.4.9 of the Downtown Halifax Municipal Planning Strategy; HRM anticipated that variances would be required for developments located on waterfront lands due to the inability to design back-of-house areas. The Cunard Block project has been designed to meet the needs of the challenging waterfront site and specifically to meet the goals of Develop Nova Scotia, and the design objectives of the Downtown Halifax LUB and Design Manual.

Cunard Block – Architectural approach

The project responds to the surrounding urban context and its proximity to the waterfront. The building massing is based on Design Manual by HRM guidelines for this precinct (Downtown Halifax Land Use By-law for Precinct 1) and the WDC guidelines for waterfront developments.

The project comprises a 16 storey residential building at the southwest corner of Lower Water Street and Morris Street extension. This includes a 10 storey base that extends north along Lower Water Street and east towards the Halifax harbour. The east west flank of the building terminates within the view plane #6 and is set back over 21m from the edge of the board walk (Halifax Harbour Ordinary High-Water Mark) well in excess of the required setback of 8m.

The building massing is comprised of a four-storey street wall podium, six-storey and seven-storey mid-rise masses, a five-storey tower capped by an architectural feature (mechanical penthouse). The four-storey podium provides mixed-use street wall at grade and parkade above. The mid-rise residential forms above the podium step back from the podium wall plane, creating an accessible roof terrace and reducing the massing as seen from street level. The residential form is further broken down into two distinct but connected masses. The Lower Water Street residential mass runs south to north six-storeys and is distinguished by glazing colour and balcony glass. The Morris Street residential mass runs east to west parallel to Morris Street and setback farther back from Morris Street than the Lower Water Street mass and frosted balcony glass. Morris Street mass gradually steps back from the water front providing a diminishing mass as seen from the water front and harbour front walk.

The 16 storey element that marks the southwest corner of the building rises to a height of 49m conforming to the post bonus height limit for the area while the 10 storey base is under the 33.5m mid-rise height limit.

The “L” shaped configuration of the building defines and creates a large public open space which dominates the north-east quadrant of the site creating opportunities for active and animated outdoor public spaces and facilitates active retail/commercial uses at the base of the proposed development along the waterfront. A secondary residential entrance will provide residents with easy access to the boardwalk and other contemplated public waterfront spaces. This entrance is marked by a canopy that extends as a white frame running up the height of the midrise portion of the building.

Residential parking has been provided in a discreet manner off the Morris Street extension with a total of 190 parking spaces above grade. All loading activities and 39 commercial parking are accessed off a shared access north of site. All loading and waste and recycling are contained within the footprint of the building in enclosed spaces ensuring that there is no impact on surrounding streets or public spaces.

The podium form is terraced away from the waterfront to mitigate the impact of the built form on the public realm.

Residential units have been arranged to ensure that a maximum number of units will have unobstructed views of the water and that the units can be laid out in an efficient manner. Expansive, glass clad balconies will further facilitate outdoor views and provide an extension to living spaces from every unit. Some of the balconies are accentuated with a raised white slab cover that will enhance the horizontality and stepped nature of the built form without obstructing views from within the residential units.

Amenities are located at the ground, 11th and 12th floors, with direct access to the large outdoor terrace overlooking the water with panoramic views of the harbour. An outdoor pool is located at this level for the use and enjoyment of the residents. Both the terraces at the 11th and 12th floors will be extensively landscaped as outdoor amenity spaces.

The building above the 10th floor reduces to a very small floor plate in order to conform to HRM's requirements for the maximum length of 38m for buildings above a height of 33.5m. The space requirements to accommodate all of the mechanical equipment are currently resulting in two floors of mechanical space at the top of the building each having a floor to floor height of 4m.

The top of the building is capped by a sculptural canopy element that extends from the top of the first mechanical level and helps reduce the formal impact of the upper mechanical floor. The canopy will enhance the silhouette of the building and provide opportunities for its soffit to be illuminated at night creating a strong presence in the waterfront skyline. The combination of the built form and the building elements will make this development visible and easily recognizable from great distances and will ensure that it becomes an instant landmark on this important site.

As evidenced above the project responds to the principles outlined in the Design by HRM Manual in creating an articulated ground plane, a defined podium street wall, and an appropriate size of building for heights above 33.5m. Further it responds appropriately to view-plane and OHWM setback requirements.

Sustainability

The project will incorporate the best in sustainable design strategies and will be targeting a LEED Gold level of certification. Some of the sustainable features to be incorporated in the project will be light coloured roofing materials to reduce the heat island effect, high performance exterior glazing systems to reduce heat gain and loss, operable windows for natural ventilation and to prevent heat build up in summer months, access to an abundance of natural light, rapidly renewable resources for materials and finishes, low voc paints, carpet and wall covering, low flow fixtures in washrooms, motion sensing lighting systems, high efficiency mechanical systems, on site storm water management systems which will be recycled for on site irrigation and green roofs where possible.

Other sustainable amenities include indoor and outdoor bike storage areas, easy access to a gym within the building and proximity to public transit.

The architectural aspirations of this project are to create a signature building for this important site in downtown Halifax that will be visually striking and functionally appropriate for its proposed uses. Most importantly it will enhance the public realm at its base and contribute to the creation of vibrant and animated street fronts at Halifax Waterfront.

Contents

Executive Summary	2
Cunard Block – Architectural approach	3
Sustainability	4
Project Information	8
Halifax Downtown Land Use By-Law Statistics	8
Parking Statistics	9
Floor Area Statistics	10
Site Specific Required Setbacks	11
Site Variances	14
Variance 2 – Mid-Rise Building	15
Variance 3 - High-Rise Building	16
Variance 4 - Building Setbacks and Stepbacks – Terracing building form	17
Variance 5 – Balcony design – length/ depth	18
Variance 7 – Precinct 1: Southern Waterfront	21
Variance 8 - Precinct 1: Southern Waterfront	22
Variance 9 - Southern Waterfront	22
01 – Estimated LUB Variances	24
Estimated LUB Variance Table	26
Halifax Downtown Land Use By-Law	28
Context Maps:	28
Map 1: Zoning and Schedule W	28
Map 2: Downtown Precincts	28
Map 3: Pedestrian Orientated Commercial Streets	28
Map 4: Maximum Pre-Bonus Heights	28
Map 5: Maximum Post-Bonus Heights	28
Map 6: Streetwall Setbacks	28
Map 7: Street Wall Heights	28
Map 8: Central Blocks	28
Map 9: Prominent Visual Terminus Sites	28
Map 10: Archaeological Resources	28
Land Use Requirements - Section 7	28
Permitted uses - Downtown Halifax Zone (DH-1)	28
Pedestrian-Orientated Commercial Street Uses	28
Residential Uses: Dwelling Unit Mix	28
Residential Uses: Storm Surge Protection	28
Institutional, Cultural & Open Space Zone (ICO)	29

Permitted Land Uses	29
Waterfront View Corridors	29
Waterfront View Corridor: Abutting Uses.....	29
Built Form Requirements – Section 8.....	29
Building Height: Maximum Pre-Bonus Heights and Maximum Post-Bonus Heights.....	29
Landscaping for flat rooftops	30
Land Uses at Grade.....	30
Rampart Requirements	30
Wind Impact.....	30
Prohibited External Cladding Materials	30
Variances	31
Streetwalls – Section 9	31
Streetwall: Streetline Setbacks.....	31
Streetwall: Height.....	31
Streetwall: Width.....	31
Streetwall: Stepbacks	31
Variances	31
Building Setbacks and Stepbacks – Section 10	32
Low-Rise Buildings	32
Mid-Rise Building.....	32
Mid-Rise Buildings: Central Blocks.....	32
High-Rise Buildings	32
Precincts: Additional Requirements – Section 11	33
Post Bonus Height Benefit – Section 12	34
Signs – Section 13.....	34
Parking – Section 14	34
Appendix B - Context Maps.....	35
Map 1 – Zoning and Schedule W	35
Map 2 – Downtown Precincts	36
Map 3 – Pedestrian-Oriented Commercial Streets.....	37
Map 4 – Maximum Pre-Bonus Heights (in metres)	38
Map 5 – Maximum Post-Bonus Heights (in metres).....	39
Map 6 – Streetwall Setbacks	40
Map 7 – Streetwall Heights.....	41
Map 8 – Central Blocks	42
Map 9 – Prominent Visual Terminus Sites	43
Map 10 – Archaeological Resources.....	44

Appendix C - Shadow Study.....45
Proposed Building - Shadow Study45

Project Information

Halifax Downtown Land Use By-Law Statistics

MUNICIPAL ADDRESS		LEGAL DESCRIPTION
1325 LOWER WATER STREET		PID 00003640, BLOCK C-24(C-2 AND C-4)
GROSS SITE AREA		SITE COVERAGE
TOTAL GROSS SITE AREA	6,176.1 SQ.M.	LEVEL 1 PODIUM / SITE AREA
PARCEL C-4	6,171.8 SQ.M.	3,801.4 S.Q. M. / 6,176.1 SQ.M.
PARCEL C-2	4.3 SQ.M.	61.5% COVERAGE

LAND USE CLASSIFICATION

CURRENT: DH-1 - DOWNTOWN HALIFAX ZONE HALIFAX DOWNTOWN BYLAW
 CONTEXT MAPS: DH-1 AND SCHEDULE W, SOUTHERN WATERFRONT PRECINCT, NON-PRIMARY COMMERCIAL STREET, PRE-BONUS HEIGHT MAJOR:39m (NE CORNER 19m), POST-BONUS HEIGHT MAJOR 49m (NE CORNER 19m), 0 - 4.0m STREET WALL SETBACK, 18.5m STREET WALL HEIGHT ALONG LOWER WATER STREET, NOT WITHIN CENTRAL BLOCKS, NOT A PROMINENT TERMINUS SITE, WITHIN ARCHAEOLOGICAL BUFFER ZONE.

DENSITY

GROSS FLOOR AREA	36,642 SQ.M.
FLOOR AREA RATIO: (36,642 SQ.M. / 6,176 SQ.M.)	5.93 FAR
MAXIMUM ALLOWABLE GROSS FLOOR AREA	64,872 SQ.M.
SITE UTILIZATION RATE (36,642 SQ.M. / 64,872 SQ.M.)	56.48%
ARCHITECTURAL FEATURE (MECHANICAL PENTHOUSE) % (273 SQ.M./ 4,056 SQ.M.)	6.73%
(273 SQ.M./ 1,110 SQ.M.) MPH ROOF AREA	24.59%

BUILDING HEIGHT

VIEW PLANE #6 APPROXIMATELY 72 METRES

MAXIMUM PRE-BONUS HEIGHTS: MAJOR: 39 METRES (NE CORNER 19 METRES)

MAXIMUM POST-BONUS HEIGHTS: MAJOR: 49 METRES (NE CORNER 19 METRES)

NOTE: ARCHITECTURAL FEATURE BREACHES MAXIMUM POST-BONUS HEIGHT 30% OF ROOF AREA ALLOWABLE AS PER SECTION 8 SENTENCE (8) OF HALIFAX DOWNTOWN LAND USE BYLAW

Parking Statistics

PARKING	PROPOSED
RESIDENTIAL TOWER (254 UNITS @ 0.67)	196 STALLS
OFFICE	12 STALLS
RESTAURANT	14 STALLS
RETAIL	7 STALLS
TOTAL:	229 STALLS

BICYCLE PARKING			
REQUIRED	REQUIRED	CLASS A - PROVIDED	CLASS B - PROVIDED
<u>MULTIPLE DWELLING UNITS</u>			
0.5 PER DWELLING UNIT 0.5 X 254	127		
80% CLASS A	102	104	
20% CLASS B	25		26
<u>GENERAL RETAIL, RESTAURANTS</u>			
1 SPACE PER 300 SQ.M. (1,726 SQM / 300)	6		
20% CLASS A		1	
80% CLASS B			5
<u>GENERAL OFFICE</u>			
1 SPACE PER 500 SQ.M. (1,029 SQM / 500)	2		
50% CLASS A		1	
50% CLASS B			1
TOTAL:	135	106	32

Floor Area Statistics

FLOOR AREA SUMMARY (SQUARE METERS)			
LEVEL	GROSS AREA	DWELLING UNITS	PARKING STALLS
LEVEL 1	3,802.4 S.Q.M.		39 STALLS
PARKADE (EXCLUDED)	1,613 SQ.M.		
RETAIL + RESTAURANT (EXCLUDED)	1,212 SQ.M.		
BIKE STORAGE (EXCLUDED)	110 SQ.M.		
LEVEL 1.5 – MEZZANINE – TENANT STORAGE	327.7 SQ M		
LEVEL 2	3,336.3 SQ.M.		
OFFICE (EXCLUDED)	967 SQ.M.		
RETAIL + RESTAURANT (EXCLUDED)	576 SQ.M.		
RESIDENTIAL (EXCLUDED)	855 SQ.M.	12 UNITS	
LEVEL 2.5 – RAMP STORAGE	140.5 SQ.M.		
LEVEL 3 PARKADE	3,901.3 SQ.M.		90 STALLS
LEVEL 4 PARKADE	3,901.3 SQ.M.		100 STALLS
RESIDENTIAL LEVELS			
TYPICAL LEVELS 5-10 (2,391.9 m², 30 units)	14,351.4 SQ.M.	180 UNITS	
LEVEL 11	1,634.6 SQ.M.	17 UNITS	
LEVEL 12	1,119.9 SQ.M.	12 UNITS	
LEVEL 13	1,049.4 SQ.M.	10 UNITS	
LEVEL 14	985.4 SQ.M.	8 UNITS	
LEVEL 15	921.4 SQ.M.	8 UNITS	
LEVEL 16	848.8 SQ.M.	7 UNITS	
ARCHITECTURAL FEATURE (MECHANICAL PENTHOUSE)	273.4 SQ.M.		
ELEVATOR MACHINE ROOM	48.1 SQM		
TOTAL ROOF AREA (EXCLUDED)	4,056 SQ.M.		
SUBTOTAL	36,642 SQ.M.	254 UNITS	229 STALLS

Site Specific Required Setbacks

SETBACKS

LOCATION	REQUIREMENT PER HALIFAX DT LU BY-LAW
LOWER WATER STREET	
STREETWALL	0.0 - 4.0 m
MID-RISE (18.5m - 33.5m)	3.0 m
HIGH-RISE (ABOVE 33.5m)	4.5 m
MORRIS STREET	
STREETWALL	N/A
MORRIS STREET	MIN 7.62m FROM MEAN CENTER LINE
MID-RISE (18.5m - 33.5m)	3.0 m
HIGH-RISE (ABOVE 33.5m)	4.5 m
INTERIOR LOT LINES	
LOW-RISE	NO SETBACK REQUIRED, MAX 20% OF LOT WIDTH
MID-RISE (18.5m - 33.5m)	5.5m
HIGH-RISE (ABOVE 33.5m)	11.5m
LANDSCAPE REQUIREMENTS	
ROOFTOP AMENITY SPACE PROVIDED	1,100 SQM
LANDSCAPE OPEN AREA PROVIDED	1,700 SQM

SITE DESIGN OBJECTIVES - DOWNTOWN HALIFAX WATERFRONT

The Cunard Block project has been designed to meet the needs of a challenging waterfront site and specifically to meet the goals of Develop Nova Scotia, the design objectives of the Downtown Halifax LUB and Design Manual. The building is designed to take advantage of the views of the harbour. A significant portion of the site has been designed to create a 'new' urban design plaza that will further activate the waterfront experience. The vibrant plaza provides an open public space connecting pedestrians between the Lower Water Street and the Halifax Harbour Walk. From a thorough review of the requirements and the objectives of Design Manual guidelines, the proposed massing configuration complies with the following waterfront objectives to embrace the new waterfront feature (where there was once a parking lot):

- a. *Objective - Ensure that public access to the waterfront is maintained and improved, and that the waterfront is in use around the clock in all four seasons.*
Response – The proposed design maintains and improves the public access by providing improved sidewalks, plaza space and retail along the waterfront. At the heart of the proposed development, we have provided a vibrant urban plaza along the downtown Halifax Waterfront to activate the portion of the waterfront promenade with retail and restaurant frontages.
- b. *Objective - Ensure that a generally complete and consistent streetwall is built along Lower Water Street that permits visual and physical access to the harbour along the eastward extension of the east-west streets to the water's edge, and at intermediate locations as deemed appropriate.*
Response – The building fulfills this requirement along all active frontages. The open space designed at Cunard's north face provides direct access and view of the harbourfront. It will further extend the current access along the south face of Bishop's Landing. The sidewalk connection is maintained along the Morris street extension to connect the Lower Water Street to the waterfront. This development permits visual access to the harbour along the eastward extension of Morris Street as the Waterfront View Corridor has been preserved.
- c. *Objective – Ensure that Views of the harbour and of the sky are preserved by requiring that the upper storeys of buildings above the streetwall present a slender face to Lower Water Street, and that their long dimension is arranged perpendicular to Lower Water Street.*
Response – The views of the harbour and of the sky are preserved since the upper storeys of the building are within the required building setbacks along the Lower Water Street and the long dimension of the high-rise portion of the building is arranged perpendicular to the Lower Water Street.
- d. *Objective – Ensure that the waterfront boardwalk is maintained, extended and improved and that the public enjoyment of the boardwalk is not negatively impacted by abutting development.*
Response – The proposed design maintains, extends and improves the waterfront boardwalk by providing improved sidewalks, plaza space and retail along the waterfront. At the heart of the proposed development we have provided a vibrant urban plaza along the waterfront boardwalk to activate and improve the portion of the waterfront promenade with retail and restaurant frontages. The creation of this urban public plaza will enhance the public enjoyment of the boardwalk.
- e. *Objective – Ensure that public open spaces are provided where the eastward extension of east-west streets intersects the boardwalk. These open spaces shall be accomplished through the use of waterfront view corridors that extend from Lower Water Street to the water's edge.*
Response – While not required in the site plan application Southwest, Develop Nova Scotia and Emera/NSP have agreed to explore ways to enhance private lands located between Morris Street and the harbour walk to provide greater public access while still serving the operation requirements of the adjacent properties.
Public open spaces (in the form of an urban public plaza) have been designed where the eastward extension of east-west streets intersects the boardwalk on our property. This plaza space with active retail and restaurant frontages has been designed all along the harbour to connect pedestrians between the Lower Water Street and the Halifax Harbour Walk along the north and east edge of the building. The eastern portion of the Morris Street extension to the harbour is the property of Emera, not southwest, and we have maintained the existing pedestrian connection to the waterfront. The

waterfront view corridor has been preserved along the Morris Street extension to enhance the visual connection to the waterfront.

- f. *Objective – Ensure that waterfront development incorporates human-scaled building elements. This means a range of building details from small (masonry units, door knobs, window mountings, etc.) to medium (doors, windows, awnings, balconies, railings, signs, etc.) to large (expression of floor lines, expression of structural bays, cornice lines, etc.).*
Response - This development incorporates human-scaled building elements through the articulation of each facade. As shown on elevation drawings DP3.1, DP3.2, DP3.3, DP3.4; the applicant has provided building signs, canopies, vertical design elements, doors and restaurant windows have been provided to create street level expression. Eating establishment, retail services and residential lobby have been provided along the Lower Water Street to activate the pedestrian realm. Similarly, retail services have been provided all along the waterfront with numerous entry points. Refer to DP 2.1 and DP 2.2
- g. *Objective – Ensure that adequate consideration of future sea level rise has been incorporated into building design to avoid flooding, where ground floor residential uses are proposed.*
Response - Adequate consideration of future sea level rise has been incorporated into building design to avoid flooding as residential is located above the grade level.
- h. *Objective – Ensure that all buildings are setback from the ordinary high-water mark or face of Seawall by no less than 8 meters*
Response – Please refer to DP 1.1. The building complies with this objective to provide 8 meters setback , but Ordinary high-water mark setback variance is being sought for 30 m setback requirements.
- i. *Objective – Ensure building height immediately adjacent to the 8 metre setback shall not be higher than 12.5 metres. Height may increase as distance from the boardwalk or the water’s edge increases at a rate of approximately one metre of vertical height for every one metre of horizontal stepback from the boardwalk or water’s edge.*
Response - Please refer to Site plan DP 1.1 and building elevations for building heights. Variance 6 has been requested for the railing on level 11 and high-rise building portion where building height is above the required 33.7 meters maximum height.
- j. *Objective – Ensure that every effort is made to provide north south pedestrian connections through the middle of these large properties.*
Response - The proposed design provides north south pedestrian connection through the middle of the site through active street face and active plaza space. At the heart of the proposed development, we have provided a vibrant public plaza along the northern edge which connects the Lower Water Street and Morris Street to the boardwalk.
- k. *Objective – Ensure that long, unbroken runs of building wall at the water’s edge or boardwalk’s edge are not permitted. The longest run of building face permissible abutting either the water’s edge or the boardwalk shall be 21.5 metres. Building walls longer than 21.5 metres must be modulated through the use of such devices as articulation of the building mass, significant stepbacks from the water’s edge or boardwalks edge, the interruption of the building wall with public spaces, etc.*
Response - Building walls have been modulated to provide longest width of 21.5 metres abutting the boardwalk or parallel to OHWM. Long, unbroken runs of building wall at the boardwalk’s edge are not provided in this development.
- l. *Objective – Ensure that high quality, low-maintenance site furnishings and lighting styles that conform to the requirements of the HRM Municipal Service Systems Design Guidelines (HRM Red Book) are used in both private and public developments along the waterfront.*
Response - High quality, low-maintenance site furnishings and lighting styles that conform to the requirements of the HRM Municipal Service Systems Design Guidelines (“HRM Red Book”) are used in this development.

Section 3.4.9 of the Downtown Halifax Municipal Planning Strategy's "Waterfront Development", p. 26. Policy 29 specifically supports a "higher degree of discretion over the design and form of development for waterfront lands." This provision supports the requested variances.

As specifically mentioned in section 2.10 of the Design Manual, waterfront sites are challenging and require a more flexible design-guideline development review process. Due to the challenging nature of the site conditions, we request your consideration of the identified variances. We believe these variances allow for a development that exceeds the requirements of the design manual.

Site Variances

Variance 1 - Building Height – Architectural Feature on Level 17

Section 8 (8) The Height requirements in subsection (6) and (7) of section 8, and subsection (15C) of Section 7 shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to roof top amenity space, flag pole, antenna, heating, ventilation, air conditioning equipment, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features, shall occupy in the aggregate less than 30% of the area of the roof of the building on which they are located. Section 8 (10) Features referenced in subsection (8) shall be setback no less than 3 metres from the outer most edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features.

A "Maximum Height Variance" is requested and enabled through the requirements of section 3.6.8 a and b of the S-1 Design Guidelines and as per the following:

a. the maximum height is consistent with the objectives and guidelines of the Design Manual; The proposed architecture feature on Level 17 [architectural railing and roof overhang feature] as shown on the sketch on the next page occupies 39.2% of the roof area it occupies, and is within 3 metres setback from the outer most edge of the roof on the west side of the building. These variances are being requested as the rooftop architectural feature contribute more to the skyline of the entire downtown using architectural quality night lighting as per objectives of section 3.3.4a of the Design Manual. Also, the expression of the architectural feature clearly distinguishes it from the building mid-rise and high-rise portion as per the objectives of section 3.3.4b, 3.3.4d, 3.3.4f and 3.3.1a of the Design Manual. By moving the architectural feature on level 17 allows for a central location to house mechanical equipments, thereby allowing maximum roof accessibility on lower roofs and increasing the green roof/ outdoor amenity space as per section 3.3.4c.

b. the additional building height is for rooftop architectural features and the additional height does not result in an increase in gross floor area;

The centralized location of architectural feature on level 17 allows for an architecturally integral design consistent with the objectives and guidelines of sections 3.3.1a and 3.3.4c of the Design Manual as it creates a distinguished roofline feature highlighted with the night lighting. The architectural feature space will be used to house mechanical equipment only and will not increase residential gross floor area.

Required coverage area – 30% of the area of the roof of the building on which they are located

Provided coverage area – The architectural feature occupies 39.2 % of the roof area on which it is located

Total roof area on level 17 – 1,110 sq m

Total architectural feature area – 435 sq m

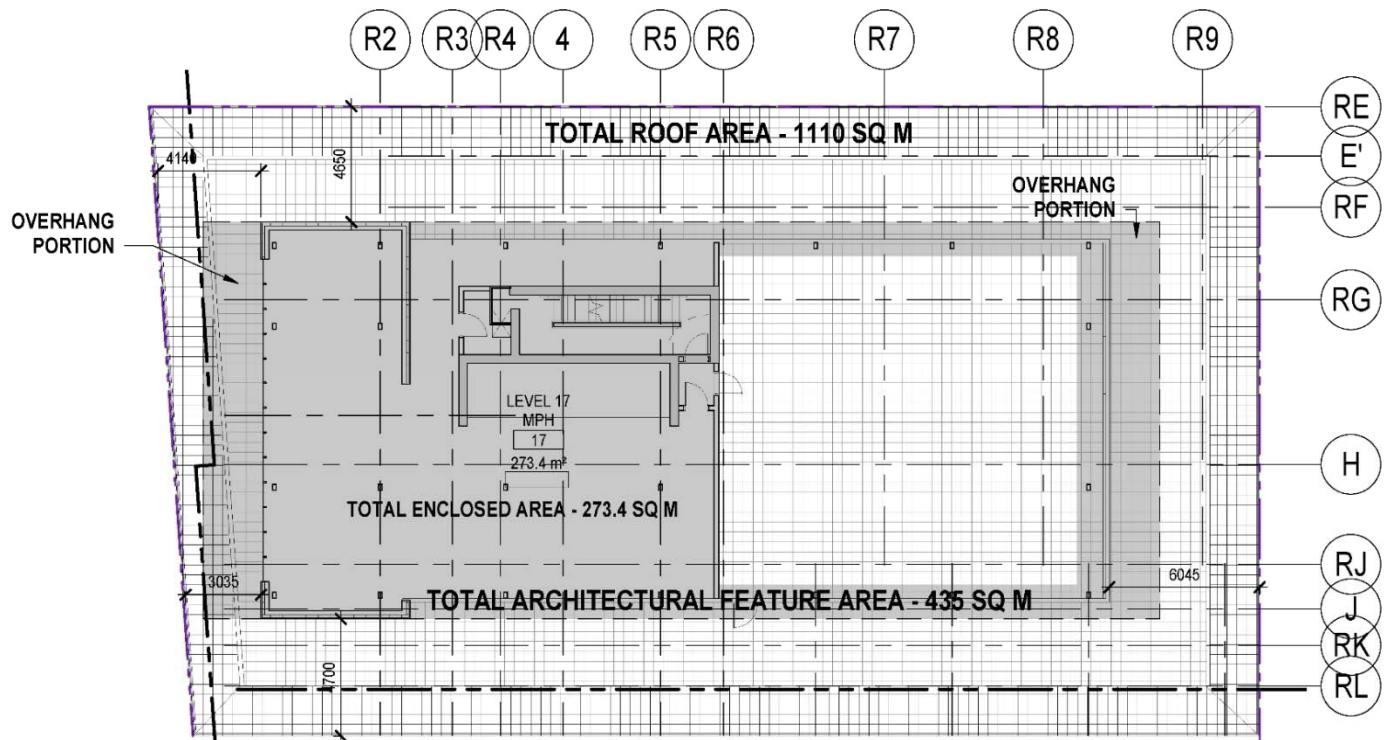


Image 1: shows the total roof area on level 17 and the total area of the architectural feature

Variance 2 – Mid-Rise Building

Section 10(4) Above a height of 18.5 metres, or the height of the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than 10% of the lot width or 5.5 metres, whichever is less.

The variance requested is for building portion [8.9 sq m] within the required setback of 5.5 metres for mid-rise portion along the north face. For this section, "Side and Rear Yard Setback Variance" is requested and enabled through the requirements of section 3.6.2 a and b of the S-1 Design Guidelines and as per the following:

- a. *the modified setback is consistent with the objectives and guidelines of the Design Manual; The north west corner of the building along the interior lot line encroaches the 5.5 metres setback and is set at 4.6 metres setback from interior lot line. The 4.6 m setback is provided to align the mid-rise portion with the streetwall of the low-rise portion on the Lower Water Street and to create a corner feature for the building as per the objectives and guidelines of sections 3.3.1c and 3.3.1d of the Design Manual. Refer to 3-D models on pages 22 and 23. The modified mid-rise setback of 4.6 metres does not negatively impact the adjacent uses since the property line varies along the north side, and existing right-of-way provides sufficient separation between the buildings. 5.5 metres mid-rise setback is maintained from this existing right-of-way and is consistent with the adjacent existing buildings as per section 3.1.2b of the Design Manual.*
- b. *The modification does not negatively impact abutting uses by providing insufficient separation. The provided setback of 4.6 m on the north west corner does not negatively impact abutting uses as the property line varies along the north edge and sufficient separation has been maintained between the two properties by the right of way on the adjacent property. The variance is being requested to provide a corner feature for the building.*

Design Manual section 3.6.2 is indicative of policy behind bylaw and accurately reflects Cunard setback condition.

The northwest corner aligns with 3.6.6.b. because the setback reduction is proportional to the lower building height (building does not reach maximum height permitted) at that location.

Required Setback – 5.5 metres

Provided Setback – 5.5 metres [4.6 metres only at the N-W corner]

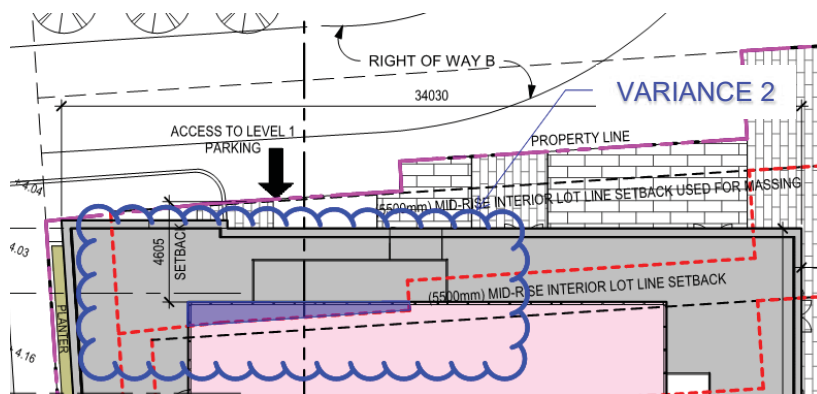


Image 2: shows the mid-rise portion of the building along Bishop's Landing encroaching the 5.5 metres setback line from the interior lot line

Variance 3 - High-Rise Building

Section 10(9) portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 23 metres between the high-rise portion of other buildings on the same lot or the high-rise portion of the same building on the same lot, where both of the high-rise portions are used for residential purposes.

With reference to the high-rise portion of the building, the applicant is requesting a minimum separation distance variance. A separation variance is requested between the residential tower and the glass railing provided as per wind assessment measures for the pool area. For this section, "Maximum Tower Width Variance" is requested and enabled through the requirements of section 3.6.7 a and b of the S-1 Design Guidelines and as per the following:

a. the maximum tower width is consistent with the objectives and guidelines of the Design Manual; The building width above 33.5 metres is 21.5 metres while depth ranges from 53.4 meters at level 12 to 40.7 meters at level 16 to create a unique building articulation that reinforces the key elements of base, middle portion and top of the building as per the objectives of section 3.3.1a, 3.3.1b & 3.3.1c of Design Manual. This variance is required since the glass railing is not an enclosed built structure. Pool deck is provided to create an amenity feature for the residents, which is not enclosed, and higher pool railing is provided as per wind assessment mitigation measures and fall protection. The architectural design utilizes a terraced form rather than twin towers to facilitate access to the amenity space, create more view lines through the site and improve views to the waterfront for the residents as per the objectives and guidelines of sections 2.10c and 3.3.1a of the Design Manual.

b. The modification results in a clear public benefit such as the remediation of an existing blank building wall.

The building massing creates an amenity space on level 12 terrace as a public benefit for the residents which require a 23 metres separation variance since it is not an enclosed built structure. The stepped massing as currently proposed offer public benefit of creating an amenity space on level 12 and plaza space on ground level over the use of a combination of separated tower forms as shown on image 3. The reason we provided this comparison is because two towers would require a 23 metres separation whereas a variance is requested for the amenity space with no enclosed structure provided as a result of a terraced building form.

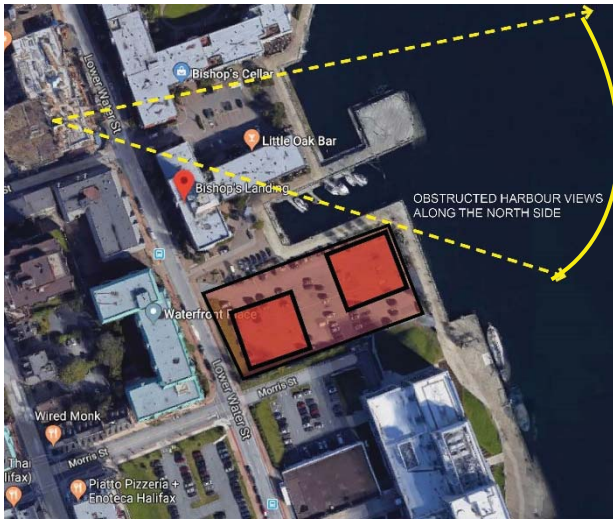


Image 3a: Obstructed harbor views along the north side.

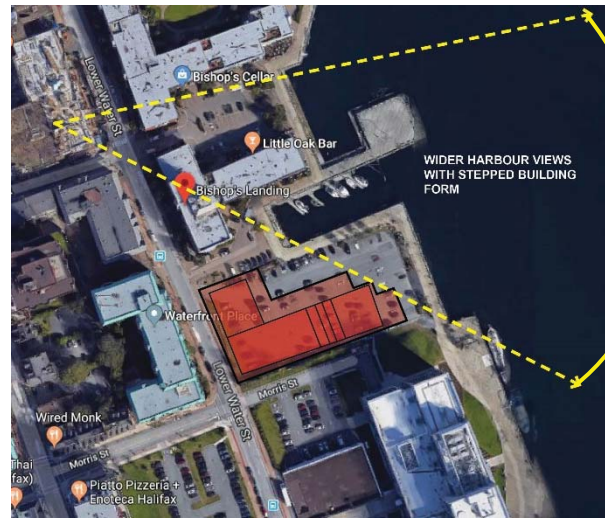


Image 3b: wider harbor views with stepped building form.

Variance 4 - Building Setbacks and Stepbacks – Terracing building form

Section 10(10) Any portion of a building above a height of 33.5 metres shall be a maximum width of 38 metres and a maximum depth of 38 metres.

For this section, “Maximum Tower Width Variance” is requested and enabled through the requirements of section 3.6.7 a and b of the S-1 Design Guidelines and as per the following:

a. the maximum tower width is consistent with the objectives and guidelines of the Design Manual; The building width above 33.5 metres is 21.5 metres while depth ranges from 53.4 meters at level 12 to 40.7 meters at level 16 to create a unique building articulation that reinforces the key elements of base, middle portion and top of the building as per the objectives of section 3.3.1a of Design Manual. Shadow study has also been provided to show no significant impact with the increase of the depth of the building on the surrounding developments. The architectural design utilizes a terraced form rather than twin towers to facilitate both light and views to the waterfront from adjacent buildings as per the objectives and guidelines of sections 2.10c and 3.3.1a of the Design Manual.

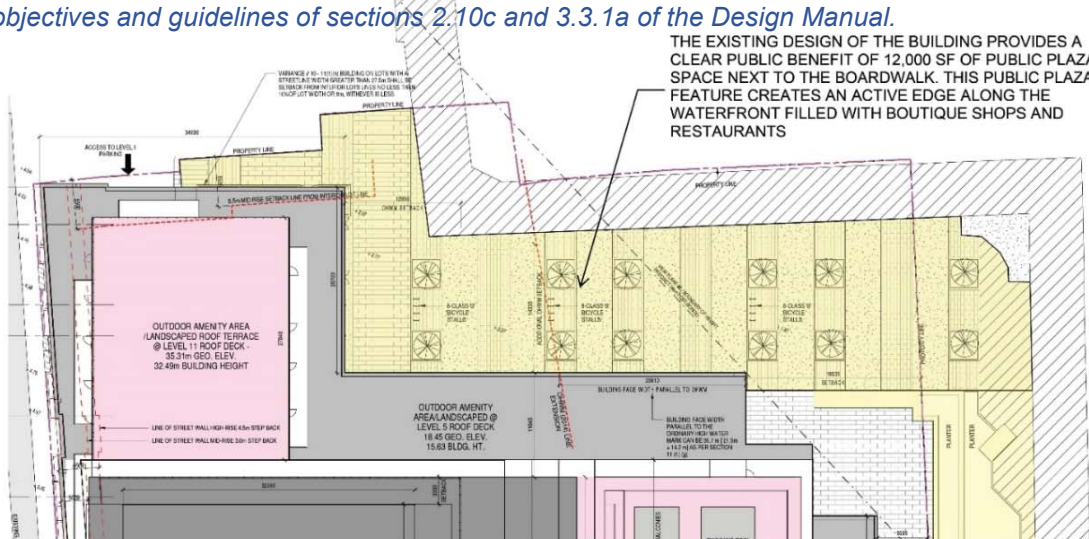


Image 4: the above sketch shows the public benefit of 12,000 sf of public plaza space created by the building form.

- b. *The modification results in a clear public benefit such as the remediation of an existing blank building wall.*

The massing as currently proposed offers several public benefits over the use of a combination of separated tower forms as recommended by the design guidelines. These public benefits include and are not limited to 1) improved view lines for the residents of the development site, 2) a new waterfront vibrant plaza has been designed to activate the portion of the waterfront promenade with retail and restaurant frontages all along the harbour, 3) reduced shadowing on public walkways, and most importantly 4) a more unique and elegant built form that is tailored to the specific view corridor requirements, that embraces its location and the public space that is adjacent to it.

Variance 5 – Balcony design – length/ depth

Section 10(13) Balconies shall be permitted encroachments into a setback, stepback or separation distance, at or above the level of the second storey of a building, provided that the protrusion of the balcony is no greater than 2 metres from the building face and the aggregate length of such balconies does not exceed 50% of the horizontal width of that building face.

All the balconies in the building are no greater than 2 metres from the building face, and there is no setback requirement along the north and east faces of the building. But variance is requested for the balconies along the south and west faces of the mid-rise and high-rise portion of the building that encroach into the setback area and have the aggregate length of more than 50% of the building face on which they are located. For this section, “Maximum Tower Width Variance” is requested and enabled through the requirements of section 3.6.7 a and b of the S-1 Design Guidelines and as per the following:

- a. *the maximum tower width is consistent with the objectives and guidelines of the Design Manual; Balconies along the south and west sides on mid-rise and high-rise portion of the building exceed the maximum 50% of building face allowable as these balconies act as architectural feature for the building with transparent tempered glass construction to increase visual connection and creates visual interest all along the Waterfront.*

Balconies along Morris Street are an architectural design feature to distinguish two distinct residential mid-rise masses as per section 3.3.1c of the Design Manual to provide architectural variety and opportunities to articulate the massing and to provide the maximum tower width consistent with the objectives and guidelines of the Design Manual.

- b. *The modification results in a clear public benefit such as the remediation of an existing blank building wall.*

The balconies provide a visual public benefit as these balconies create a visually interesting faces rather than just blank walls.

North Elevation – *Balconies do not encroach into the setback area. There is a condition along the north west corner, where balconies encroach into the interior lot line setback, but the aggregate length of the balconies is less than 50% of the building face on which they are located.*

East Elevation - *Balconies do not encroach into the setback area. Please refer to Site Plan.*

South Elevation – *Balconies encroach into the setback area and have the aggregate length of more than 50% of the building face on which they are located. Variance is required.*

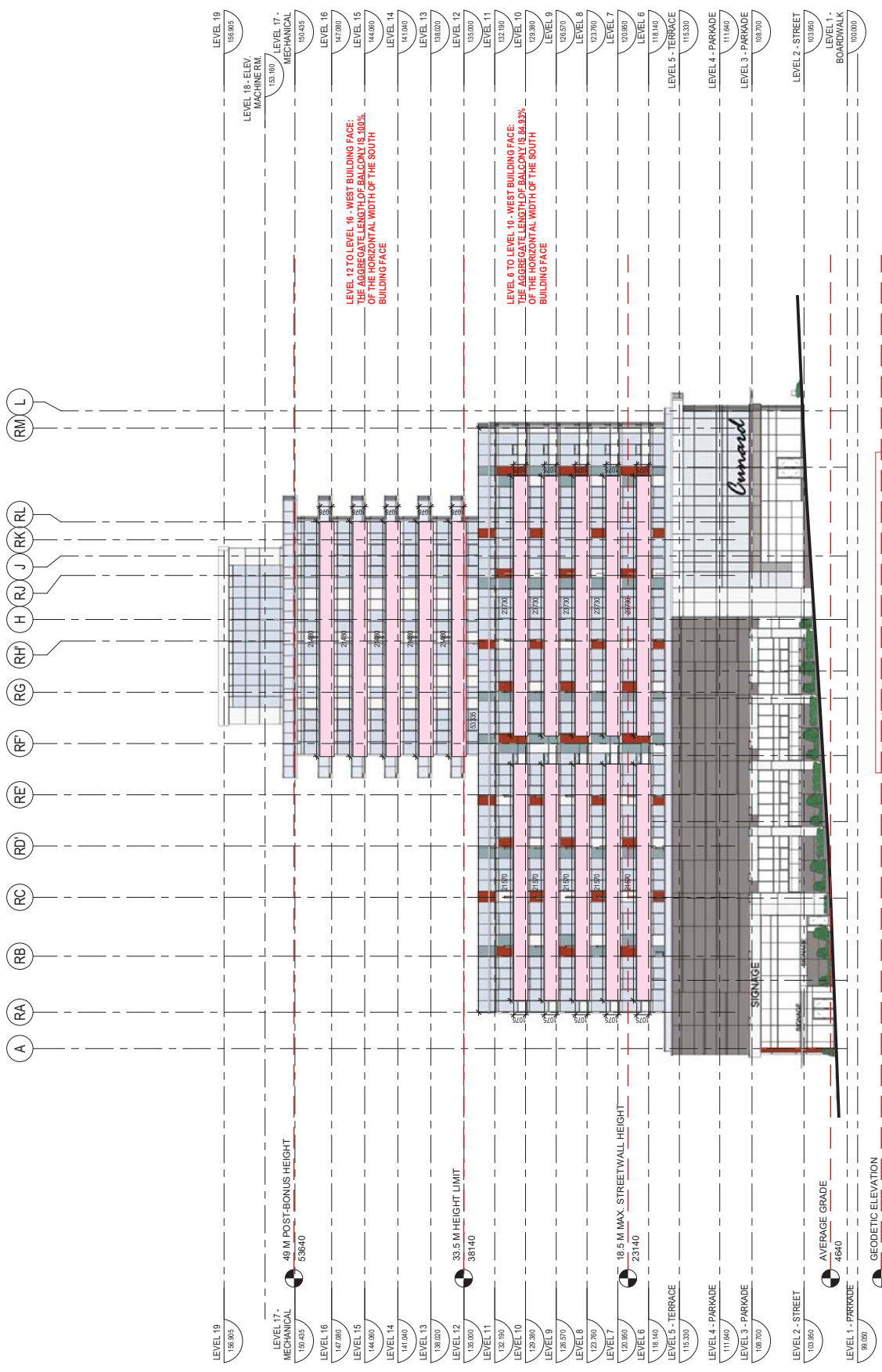
West Elevation - *Balconies encroach into the setback area and have the aggregate length of more than 50% of the building face on which they are located. Variance is required.*

Please refer to the attached elevations on the following pages for the balcony percentage.



LEVEL 6 TO LEVEL 10 - SOUTH BUILDING FACE: THE TOTAL AGGREGATE LENGTH OF BALCONIES IS 86.25% OF THE HORIZONTAL WIDTH OF THE SOUTH BUILDING FACE TOTALS

SOUTH ELEVATION - VARIANCE IS REQUIRED BALCONIES ENCRoACH INTO THE SETBACK AREA



LEVEL 12 TO LEVEL 16 - WEST BUILDING FACE:
THE AGGREGATE LENGTH OF BALCONY IS 100%
OF THE HORIZONTAL WIDTH OF THE SOUTH
BUILDING FACE

LEVEL 6 TO LEVEL 10 - WEST BUILDING FACE:
THE AGGREGATE LENGTH OF BALCONY IS 84.43%
OF THE HORIZONTAL WIDTH OF THE SOUTH
BUILDING FACE

LEVEL 6 TO LEVEL 16 - WEST BUILDING FACE TOTAL:
THE TOTAL AGGREGATE LENGTH OF BALCONIES IS 84.41%
OF THE HORIZONTAL WIDTH OF THE SOUTH
BUILDING FACE TOTALS

WEST ELEVATION - VARIANCE IS REQUIRED
BALCONIES ENCR OACH INTO THE SETBACK AREA

- LEVEL 19 159.635
- LEVEL 18 - ELEV. MACHINE RM. 153.850
- LEVEL 17 - MECHANICAL 153.850
- LEVEL 16 147.080
- LEVEL 15 144.080
- LEVEL 14 141.080
- LEVEL 13 138.020
- LEVEL 12 135.000
- LEVEL 11 132.000
- LEVEL 10 129.300
- LEVEL 9 126.570
- LEVEL 8 123.780
- LEVEL 7 120.850
- LEVEL 6 118.140
- LEVEL 5 - TERRACE 115.300
- LEVEL 4 - PARKADE 111.640
- LEVEL 3 - PARKADE 108.700
- LEVEL 2 - STREET 103.850
- LEVEL 1 - PARKADE 99.000
- GEODETIC ELEVATION 0
- AVERAGE GRADE 46.40

49 M POST-BONUS HEIGHT
53640

33.5 M HEIGHT LIMIT
38140

18.5 M MAX. STREETWALL HEIGHT
23140

Variance 6 - Precinct 1: Southern Waterfront

Section 11(1)(c) The maximum height of any building shall be 12.5 metres;

Section 11(d) building height in clause (c) may increase at a rate of 1 metre for every additional 1 metre of setback from the minimum required setback from the ordinary high water mark;

The intent of the ordinary high water mark setback is to provide clear and uninterrupted public passage along the waterfront and access to the water's edge.

The Cunard project is designed to not only maintain existing boardwalk access along the seawall, but also to augment it with generous, high quality public spaces developed in the seawall setback area. The inlet between Cunard and Bishop's Landing will become a unique feature activated with public access.

Furthermore, the primary intent of this provision is to ensure that the setback from the seawall's east edge is achieved. Relaxation of this setback requirement on the north and south edges of the inlet are consistent with the Downtown Halifax Municipal Planning Strategy and the Design Manual.

Building height variance is requested for portions of levels 12, 13, 14, 15 and 16 on the northeast face of the building and portion of architectural glass railing on level 11 that is within 30 metres of the ordinary high-water mark. As per the requirements of the section 11 (1) (d), the maximum height of the building at north-east setback can be a total of 33.7 metres [12.5 metres + 21.2 metres high], but portions of levels 12, 13, 14, 15 and 16 that are within 30 metres of the OHWM exceeds this requirement. Similarly, on the north setback, maximum height of the building can be 31.37 metres and a portion of glass railing on level 11 is exceeding this requirement by 600 mm.

For this section, "Precinct Built Form Variance" is requested and enabled through the requirements of section 3.6.10 a of the S-1 Design Guidelines as per the following:

- a. fill existing gaps created by vacant properties or parking lots with new development;*

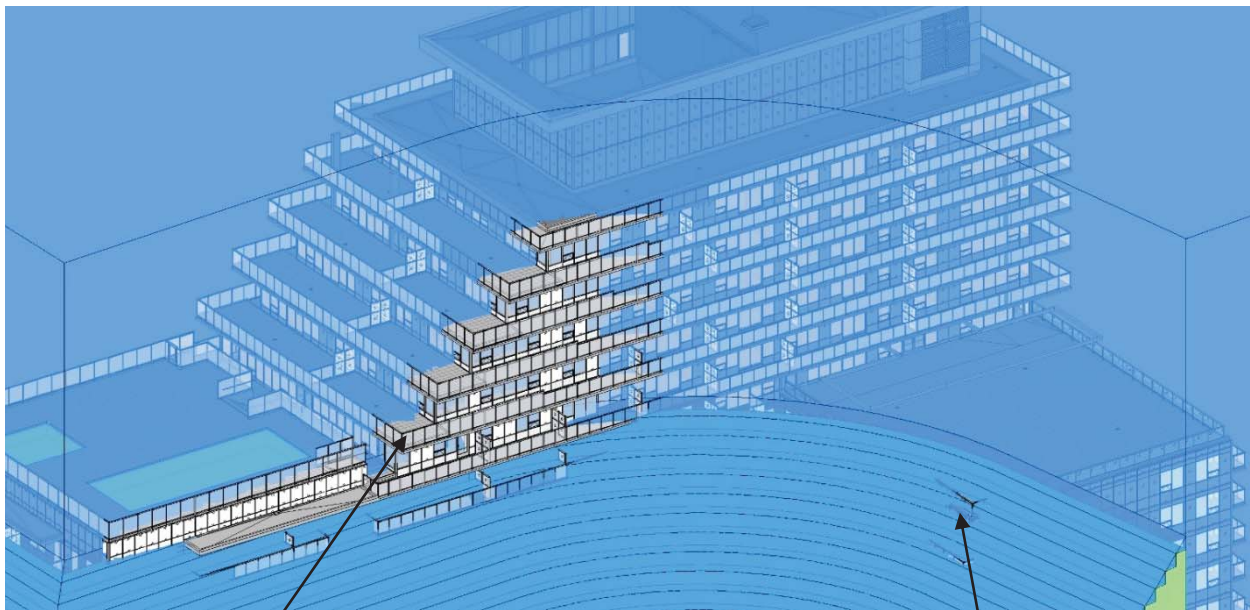
This development is built on an existing parking lot and has retail, restaurants and public plaza along the waterfront to activate the harbor with public activities. Variance is required for the north east face of the building that has portions at levels 12, 13, 14, 15 and 16 above the height requirement of 33.7 metres and architectural glass railing on level 11 above the height requirement of 31.37 metres.

Required Height – 33.7 metres on NE corner and 31.37 metres for glass railing on the north side of the building

Provided Height – 36.5 meters for level 12 to 48.9 meters for level 16



The intent of the OHWM setback is to provide clear and uninterrupted public passage along the waterfront and access to the water's edge as provided in the design and shown in the image on the left.



Portions of the north-east building face on levels 12, 13, 14, 15 and 16 that are within 30 metres of OHWM and over the required 33.7 metres of building height limit require this variance.

Portion of the railing that is over the required 31.37 metres of building height and within 30 metres of OHWM setback requires this variance.

Image 5: Any part of the building that does not project outside the extent of blue mass complies with the section 11 of the Downtown Halifax Landuse Bylaw

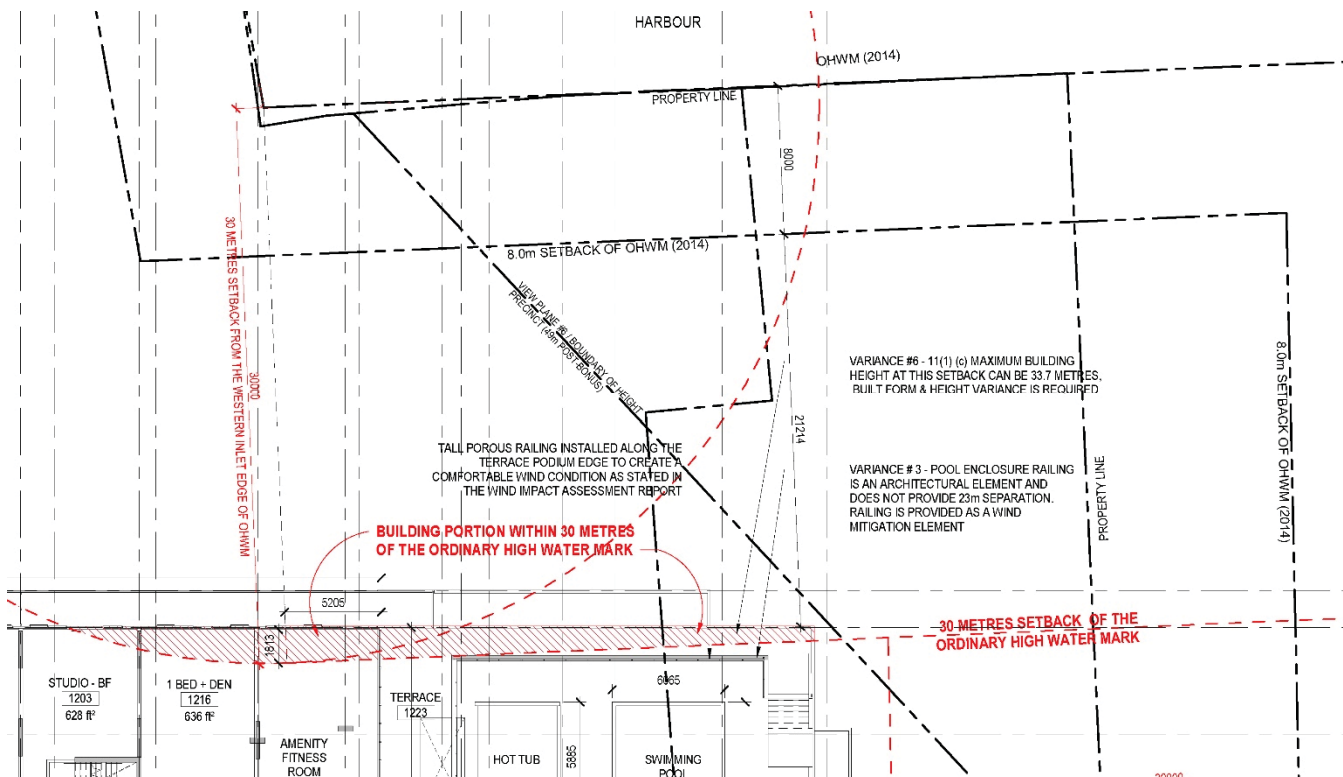


Image 6: This image shows portion of the north-east building face on level 12 that is within 30 metres of OHWM and over the required 33.7 metres of building height limit

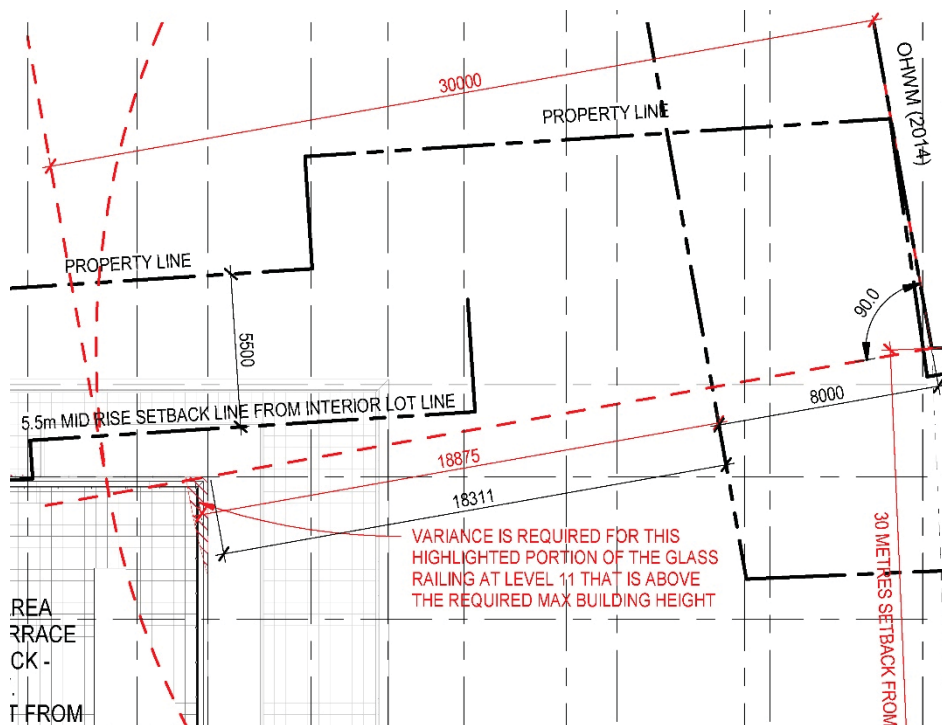


Image 7: This image shows portion of the architectural glass railing on level 11 that is within 30 metres of OHWM and over the required 31.37 metres of building height limit

Variance 7 – Precinct 1: Southern Waterfront

Section 11(1)(e) The width of any building face parallel to the ordinary high-water mark shall not exceed 21.5 metres;

Section 11(1)(g) the width of any low-rise or mid-rise building face parallel to the ordinary high water mark may increase at a rate of 1 metre for every additional 1 metre setback from the ordinary high water mark;

This variance is requested for 44 metres long low-rise portion on the north along the plaza which partially faces the OHWM but is within 30 metres of the OHWM, and 56 metres long mid-rise portion that is at 21.2 metres additional setback of the OHWM. It is to be noted that this is a unique situation due to inlet condition. The bylaw requirement was intended to prevent buildings from having a wide east face facing the harbor, but this variance is requested for the north face. For this section, "Precinct Built Form Variance" is requested and enabled through the requirements of section 3.6.10 a of the S-1 Design Guidelines and as per the following:

a. fill existing gaps created by vacant properties or parking lots with new development;

This development is built on an existing parking lot and has retail component and public plaza along the Waterfront to activate the harbor with public activities. Variance is required for the low-rise and mid-rise portion of the north face of the building parallel to OHWM.

For Low-Rise portion - The provided width of 44 metres [the required width as per section 11(1)(g) is 35.8m] of north face is required to make the residential floor plate viable as the width of the principal building form is required to achieve market target suite floor areas within a standard 6.4 metres suite width structural bay, and to create an architectural form of terraced design.

For Mid-Rise portion - The provided width of 56m [the required width as per section 11(1)(g) is 42.7m] of north face is required to make the residential floor plate viable as the width of the principal building form is required to achieve market target suite floor areas within a standard 6.4 m suite width structural bay, and also to create an architectural form of terraced design.

Variance 8 - Precinct 1: Southern Waterfront

Section 11(1)(f) Any portion of a building above a height of 33.5 metres shall be a maximum width of 21.5 metres parallel to Lower Water Street and a maximum depth of 38.5 metres.

The width of the building parallel to Lower Water Street for the high-rise portion is 21.5 metres.

The variance is requested for the building depth which varies from 53.4 metres at level 12 to 40.7 metres at level 16. For this section, "Precinct Built Form Variance" is requested and enabled through the requirements of section 3.6.10 a, b and f of the S-1 Design Guidelines and as per the following:

a. fill existing gaps created by vacant properties or parking lots with new development;

This development is built on an existing parking lot and has retail component along the Waterfront and the Lower Water Street. Variance is required for portion of building above a height of 33.5 meters parallel to Lower Water Street with building depth ranging from 53.4 meters at level 12 to 40.7 meters at level 16 to create a terracing building form that enhances the quality of light and views to the Halifax Harbour as per the objectives of section 2.10a,b,c and 3.3.1c of the Design Manual. The proposed building mass located on the south west corner of the site does not impact the shadowing, while providing required density. Also, refer to shadow study in Appendix C and 3-D models on pages 24 and 25.

Required Depth – 38.5 metres

Provided Depth – 53.4 meters at level 12 to 40.7 meters at level 16

b. enhance the public realm in the area, including the extension of the east-west streets between Lower Water Street and the harbour and their intersection with the Halifax Harbour Walk, the pedestrian interface of the proposed building and the Halifax Harbour Walk, provide or improve sidewalks along Lower Water Street, or provide for public or private plazas or parks;

The building development is in alignment with this requirement since pedestrian connection has been proposed along the east-west extension of Morris street to the Halifax Harbour Walk, and public plaza has been created along the Harbour Walk with retail and restaurant frontages to activate the plaza space. Increasing the depth of the building doesn't impact the pedestrian connections and plazas created along the Harbour Walk and the Lower Water Street, in fact terraced building form creates better views to the harbour from living spaces and allows more rooftop amenity spaces. Also, the terracing form highlights the building and separates the building base that forms the streetwall from the high-rise portion, thus increasing the focus on the plaza space and creates an interesting building form in accordance with the objectives of section 3.3.1c of the Design Manual.

f. ensure Lower Water Street has streetwall and landscaping conditions that emphasize its meandering qualities and emergence as an important street.

The terracing form highlights the building form and distinguishes the building base [Streetwall] which has been activated by retail frontages on the Lower Water Street and has landscaped planters all along the street to enhance the meandering qualities and create a vibrant streetscape.

Variance 9 - Southern Waterfront

Section 11(1)(h) Buildings on lots with a streetline width greater than 27.5 metres shall be setback from interior lot lines no less than 10% of the lot width or 8 metres, whichever is less. Where a lot has more than one streetline, the greater lot width shall apply; and clauses (b) through (e) apply to any building or portion thereof within 30 metres of the ordinary high-water mark.

For this section, "Precinct 1 Built Form Variance" is requested and enabled through the requirements of section 3.6.10 c and d of the S-1 Design Guidelines and as per the following:

c. frame the open spaces identified above; or

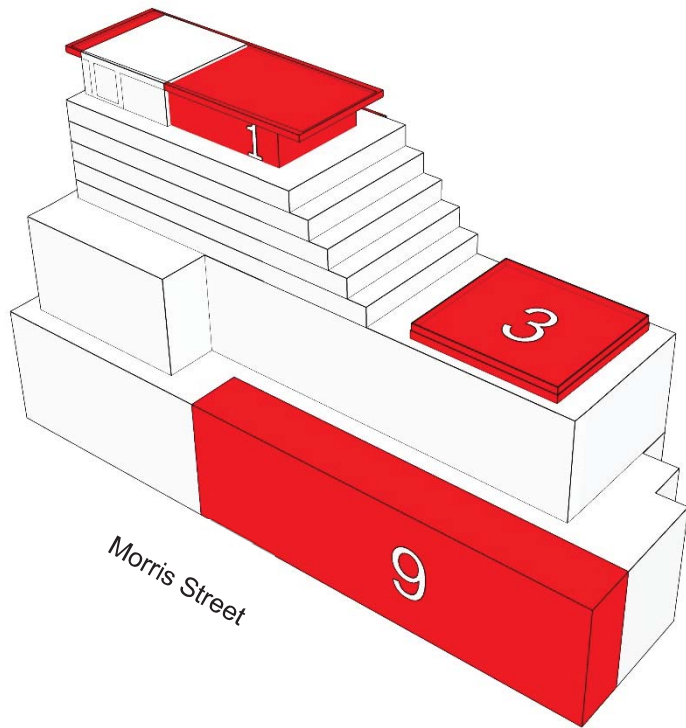
Along the south property line, the Waterfront View corridors are maintained as per the objectives of section 2.10c of the Design Manual to frame the Waterfront between the buildings. There is no risk of

insufficient building separation since the framed space will always be maintained. 8m setback variance from the interior lot line is also sought as south property line does not act as an interior lot line throughout its length as it is a hybrid of street and interior lot line and will create setback in the architectural form. Refer to 3-D models on pages 24 and 25.

d. provide adequate separation between buildings;

Adequate building separation has been provided along the Nova Scotia Power Inc (NSPI) south property line since Morris street is a hybrid of street and interior lot line, and setbacks have been provided as per section 7 (18) Waterfront View Corridor and section 9 (7) Streetwall Stepbacks of Halifax Land-Use Bylaw. Morris street mean centre line has been extended from the Lower Water Street intersection to the eastern lot boundary to preserve the waterfront views which determines the 7.62 m waterfront view corridor setback along the south property line with objectives of the sections 2.10e and 2.10c of the Design Manual. The separation will be maintained as construction over the Waterfront View Corridors is not allowed. Refer to 3-D models on pages 24 and 25.

Similarly, adequate building separation has been provided along the north property line, since the property line varies along this side, and existing right-of-way provides sufficient separation between the buildings. The north west corner of the building is set at 4.6 metres setback from interior lot line to align the mid-rise portion with the streetwall of the low-rise portion on the Lower Water Street creating an architecturally strong corner feature for the building as per the objectives and guidelines of section 3.3.1c of the Design Manual.

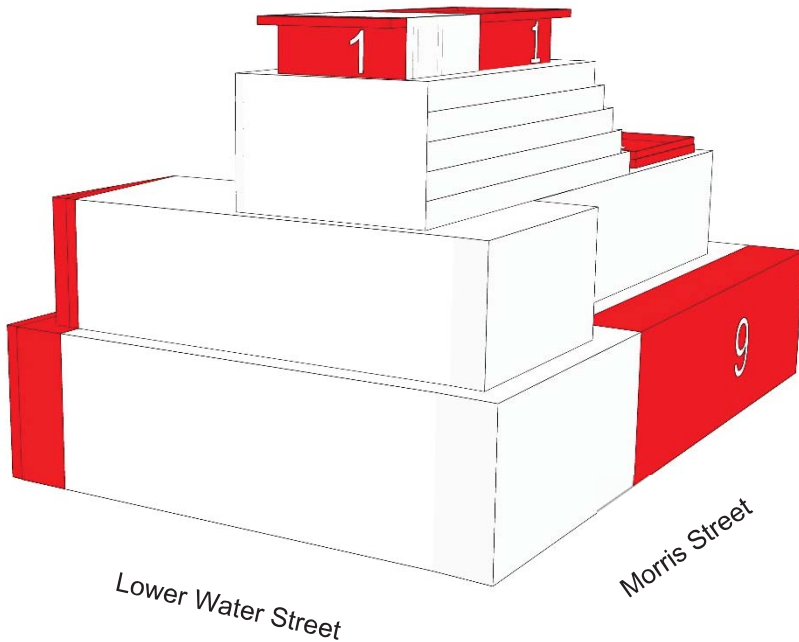


01 – Estimated LUB Variances

Variance 1 – section 8(8) Architectural feature occupies 56.3% of roof area it occupies instead of 30%

Variance 3 – section 10(9) Any portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 23 metres

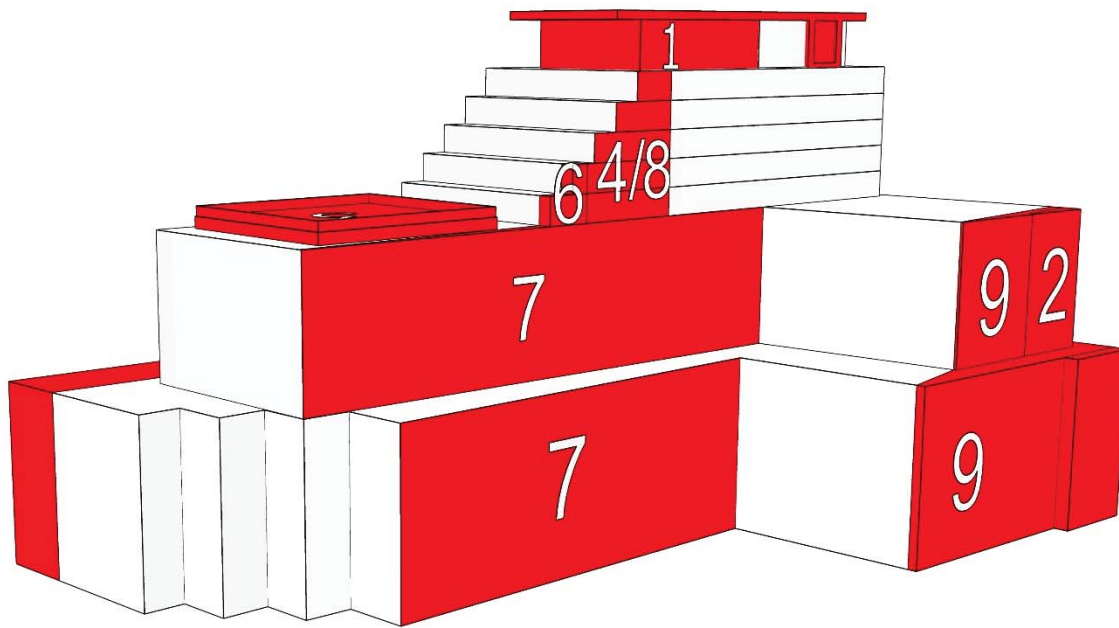
Variance 9 - Section 11(1)(h) Buildings on lots with a streetline width greater than 27.5 metres shall be setback from interior lot lines no less than 10% of the lot width or 8 metres



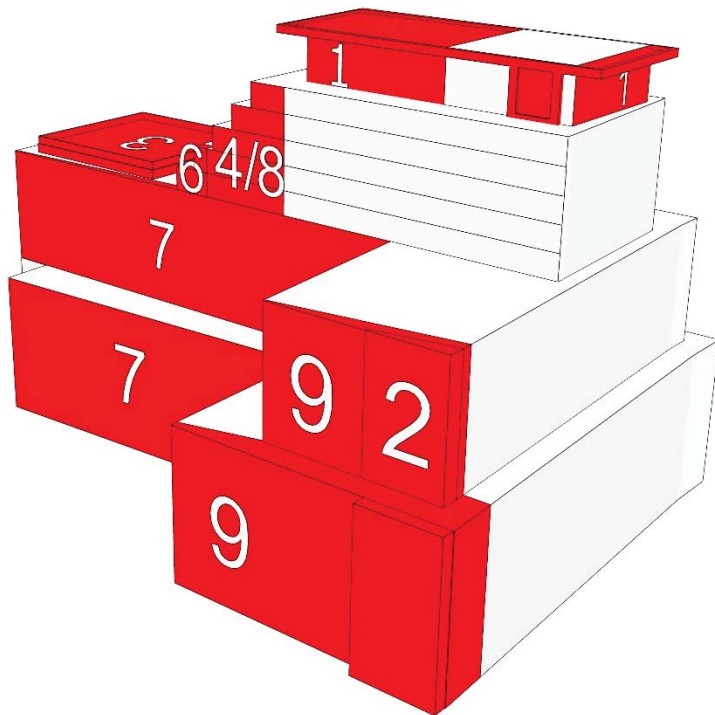
02 – Estimated LUB Variances

Variance 1 – section 8(8) Architectural feature occupies 56.3% of roof area it occupies instead of 30%

Variance 9 - Section 11(1)(h) Buildings on lots with a streetline width greater than 27.5 metres shall be setback from interior lot lines no less than 10% of the lot width or 8 metres,



waterfront



03 + 04 – Estimated LUB Variances

Variance 1 – section 8(8) Architectural feature on Level 17 occupies 56.3% of roof area it occupies instead of 30%

Section 8(10) Roof top architectural feature is within 3 metres of setback area

Variance 2 – section 10(4) 5.5 metres setback for mid-rise portion along the interior lot line

Variance 3 – section 10(9) Any portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 23 metres

Variance 4 – section 10(10) Any portion of a building above height of 33.5 metres shall be a maximum width of 38m & maximum depth of 38m is not provided.

Variance 6 – section 11 (1)(c) Maximum height of the building within 30 meters of the OHWM to be 33.7 meters. Maximum height variance is required

Variance 7 – section 11(e) width of building face parallel to the OHWM is 44 meters for low-rise portion and 56 meters for mid-rise portion

Variance 8 - section 11(f) Any portion of a building above a height of 33.5 metres shall be a maximum width of 21.5 metres parallel to Lower Water Street and a maximum depth of 38.5 metres

Variance 9 - Section 11(1)(h) Buildings on lots with a streetline width greater than 27.5 metres shall be setback from interior lot lines no less than 10% of the lot width or 8 metres

Estimated LUB Variance Table

LAND USE BY-LAW SECTION	PG	SOUTHERN WATERFRONT HALIFAX LUB REQ.	PROPOSED BUILDING	DESIGN RATIONALE FOR REQUESTED VARIANCES	Variance Section	DRM	Variance number
8 BUILT FORM REQUIREMENTS							
BUILDING HEIGHT	29	8(8)	Mechanical penthouse shall not occupy more than 30% of the roof area	The proposed architectural feature on Level 17 is illuminated at nighttime and occupies 12.9 % of the development roof area to contribute more to the downtown skyline and the visual quality of the skyline.	8(11)	3.3.1a 3.3.4	Var 1
		8(10)	Features referenced in subsection (8) shall be setback no less than 3 metres from the outer most edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features.	This architectural feature becomes a central location to house mechanical equipments, thereby allowing maximum roof accessibility on lower roofs. The centralised location allows for an architecturally integral part of the building design as per the best practices of sections 3.3.1a and 3.3.4 of the Design Manual.		a,b,c,d,f 3.6.8a 3.6.8b	
10 BUILDING SETBACKS AND STEPBACKS							
	32	10(4)	Any portion of a mid-rise building above a height of 18.5m shall be setback 5.5m from interior lot lines.	The proposed setback for north-west building edge is 4.65 m. Refer to Site Plan DP1.2	10(14)	3.1.2b 3.3.1c 3.3.1d 3.6.2 a b 3.6.6.b.	Var 2
	32	10(9)	Any portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 23 metres	Pool deck is provided to create an amenity feature for the residents and higher pool railing is provided as per wind assessment mitigation measures and fall protection.	10(14)	3.6.7a b 3.3.1 a b c 2.10c	Var 3
	32	10(10)	Building shall be a maximum width of 38 m and a maximum depth of 38 m.	Building depth ranges from 53.4m @ 12th floor to 40.7m @ 16th floor.	10(14)	2.10c 3.3.1a 3.6.7a b	Var 4

PERMITTED ENCROACHMENTS	32	10(13)	Balconies shall be permitted encroachments into a setback or stepback provided that aggregate length of balconies does not exceed 50% of building face.	Continuous balconies at a portion of Lower Water St. & Morris St. exceed 50% of building façade.	The architectural concept of continuous balconies, with glass guardrails, as an architectural design feature to express the building's massing and form.	10(14)	3.3.1c 3.6.7a b	Var 5
-------------------------	----	--------	---	--	--	--------	-----------------------	-------

PRECINCTS: ADDITIONAL REQUIREMENTS

	33	11(1)c 11(1)d	Maximum height of the building within 30 meters of OHWM to be 33.7 meters [12.5 meters + 21.2 meters] and 31.37 metres on the far north side of the property	Due to stepped building form and changing OHWM setback line, the building height is 33.5 m at level 11, 36.3 m at level 12 and 39.3 m at level 13. Variance is required.	This development is built on an existing parking lot and has retail, restaurant and public plaza along the Waterfront to activate the harbor with public activities. Variance is required for the portions of Levels 12, 13, 14, 15 and 16 that are within 30 metres of the OHWM and exceeds the height requirement of 33.7 metres.	11(2)	3.6.10 a 3.3.1a 3.3.4 b c d f	Var 6
	33	11(1)e 11(1)g	Maximum width of building parallel to ordinary high-water mark is 21.5m.	The proposed building width on north side is 44 m for low-rise portion and 56 m for mid-rise portion	The width of the principal building form is required to achieve market target suite floor areas within a standard 6.4 m suite width structural bay and to create a terraced form unique building.	11(2)	3.6.10 a	Var 7
PRECINCT1: SOUTHERN WATERFRONT	33	11(1) f	Maximum width of any portion of a building above a height of 33.5m shall be 21.5m parallel to Lower Water Street and a maximum depth of 38.5m.	The proposed building width is 21.5m. The proposed building depth is from 40.7 m to 53.4 m.	The building depth varies to create a terraced building form enhancing the quality of light and views. The proposed building mass located on the south west corner of the site minimizes the shadowing while providing the required density. Refer to the shadow study in Appendix C.	11(2)	2.10 a b 2.10 c 3.3.1c 3.6.10 a,b f	Var 8
	33	11(1)h	Buildings on lots with a streetline width greater than 27.5 metres shall be setback from interior lot lines no less than 10% of the lot width or 8 metres, whichever is less.	7.62 metres setback has been maintained from the mean centre line of the prolongation of Morris street to preserve the waterfront views as per section 7 (18) Waterfront view corridor.	Variance is required since building setback is less than 8.0 m adjacent to Nova Scotia Power Inc (NSPI) [south] and north interior lot line due to site conditions and to reinforce the continuous linear form of the street wall along the Lower Water Street with respect to the overall building mass.	11(2)	2.10c 2.10e 3.3.1c 3.6.10c 3.6.10d	Var 9

Halifax Downtown Land Use By-Law

Context Maps:

Refer to Appendix A for Context Maps

Map 1: Zoning and Schedule W

DH-1 and within Schedule W

Map 2: Downtown Precincts

1 Southern Waterfront

Map 3: Pedestrian Orientated Commercial Streets

Site not located on primary commercial streets

Map 4: Maximum Pre-Bonus Heights

Major: 39 metres (NE Corner 19 metres)

Map 5: Maximum Post-Bonus Heights

Major: 49 metres (NE Corner 19 metres)

Map 6: Streetwall Setbacks

Setbacks Vary (0-4.0m)

Map 7: Street Wall Heights

18.5 metres along Lower Water Street.

Map 8: Central Blocks

Site not within Central Block

Map 9: Prominent Visual Terminus Sites

Site not a Prominent Terminus Site

Map 10: Archaeological Resources

Site Within Archaeological Buffer Zone

Land Use Requirements - Section 7

Permitted uses - Downtown Halifax Zone (DH-1)

7(1) The project is proposed with residential and Commercial uses as permitted in the DH-1

Pedestrian-Orientated Commercial Street Uses

- (2) Project site is not located on a Primary Commercial Street on Map 3, but active street uses Retail and Restaurants are proposed along the façade at grade.
- (3) Pedestrian entrances and lobbies associated with any use permitted pursuant to subsection (1) may face and have access onto Pedestrian-Oriented Commercial Streets. *Proposed primary pedestrian residential lobby is located next to corner of Lower Water Street and Morris Street and secondary residential lobby is accessed through public plaza.*

Residential Uses: Dwelling Unit Mix

- (4) One third of dwelling units are required to include two or more bedrooms. *The building does comply with this requirement. 85 of the current 254 dwelling units are two or more-bedroom units.*
- (5) Residential uses to have separate direct access to the exterior ground level separate from any non-residential use. *The building does comply with this requirement.*

Residential Uses: Storm Surge Protection

- (12) No residential portion of a building on a lot within Schedule W, shall be erected, constructed at an elevation less than **3.8 metres of the Canadian Geodetic Vertical Datum. *First finished residential level established at +7.12m CGVD with the majority above +18.5m CGVD.***
- (13) Subsection (12) does not apply to parking garages, accessory structures or entrances to residential uses. *Residential parking garage entrance on Morris Street view corridor.*
- (14) Not applicable.

- (15) Plans to clearly identify required elevations, contours and lot grading information to determine the building complies with subsection (12). *Plans have been submitted.*

Institutional, Cultural & Open Space Zone (ICO)

Permitted Land Uses

- (16) Not Required – applies to ICO
 (17) Not Required – applies to ICO

Waterfront View Corridors

- (18) To preserve water front view corridors, every structure shall be setback a minimum of 7.62 metres from the mean centre line of the prolongation of Morris Street from their intersection with Lower Water Street to the eastern lot boundary. *The proposed building is setback from the Morris Street view corridor by the required 7.62m.*
- (19) Plans to clearly identify the proposed building complies. *Plans indicate the water front view corridor.*

Waterfront View Corridor: Abutting Uses

- (22) Cultural uses;
 Banks and related uses;
 Licensed alcohol establishments;
 Personal Service uses;
 Retail uses;
 Movie theaters;
 Commercial recreation uses; and
 Uses accessory to the foregoing.
Eating Establishment, Office Lobby and uses accessory to the foregoing are proposed uses along Morris Street

Built Form Requirements – Section 8

Building Height: Maximum Pre-Bonus Heights and Maximum Post-Bonus Heights

- (6) *Building will not be* erected, constructed, or located so that it exceeds the maximum Pre-Bonus Heights and maximum Post-Bonus Heights.
- (7) Notwithstanding subsection (6), the maximum Pre-Bonus Heights specified on Map 4, may be exceeded to the Maximum Post-bonus Heights specified on Map 4.
The proposed building post-height is 49m, compliant with Map 4
- (8) The Height requirements in subsection (6) and (7) of section 8, and subsection (15C) of Section 7 shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to roof top amenity space, flag pole, antenna, heating, ventilation, air conditioning equipment, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features, shall occupy in the aggregate less than 30% of the area of the roof of the building on which they are located. *Architectural feature on Level 17 occupies 39.2% of roof area it occupies to allow for maximum roof accessibility on lower roofs by shifting mechanical space to a centralized location within the architectural feature. The centralized location allows for an architecturally integral design as per the best practices of section 3.3.4 of the design manual. Refer to variance section, Variance 1 on page 14*
- (9) Not identified as a Visual Terminus Site.
- (10) Features referenced in subsection (8) shall be set back no less than 3 metres from the outer most edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features. *Variance is required for 3 m setback condition. Please refer to variance 1 on page 14*
- (11) The requirements of subsection (8) and (9) may be varied by site plan approval where the relaxation is consistent with the criteria of the Design Manual.

Landscaping for flat rooftops

- (12) All buildings erected or altered, with a flat roof shall provide a fully landscaped area on those portions of the flat roof not required for architectural features or mechanical equipment. These landscaped areas need not be fully accessible except where they are provided pursuant to the requirements of subsections (10) and (11D) of section 7. *Flat roofs where provided are designed to be accessible to occupants further enhanced by moving mechanical requirements to centralized location and will be fully landscaped. These landscaped roof terrace areas will be protected from the wind with features recommended in the wind study to mitigate the wind impact.*

Land Uses at Grade

- (13) The ground floor of a building, excluding a parking garage, that has access at the street line or Transportation Reserve shall have a floor-to-floor height of no less than 4.5 metres. *The Building complies with this requirement.*

View Plane Requirements

- (14) Notwithstanding any provision of this By-law, no building shall be erected, constructed, altered, reconstructed, or located in any zone so as to protrude through a View Plane except as permitted pursuant to Section 24 of the Halifax Peninsula Land Use By-Law, as amended from time to time. *The development site is located immediately west of the harbour-front pedestrian promenade and is subject to View Plane #6.*

Rampart Requirements

- (17) Notwithstanding any provision of this By-law, no building shall be erected, constructed, altered, reconstructed, or located in any zone so as to be visible above the ramparts as specified by Section 26B of the Halifax Peninsula Land Use By-Law, as amended from time to time. *Building complies with View plane requirements.*

Wind Impact

- (18) Any building resulting in a height exceeding 20 metres shall only be permitted following consideration of its wind impact pursuant to the performance standards in schedule S-2. *See Pedestrian Wind Comfort Assessment. The landscaped roof terrace areas will be protected from the wind with features recommended in the Wind Comfort Assessment to mitigate the wind impact. Landscape design will be undertaken to include all elements listed in wind study to mitigate impact of wind during warm weather seasons, & seasonal restrictions will be in place to reduce heaviest wind impacts.*

Prohibited External Cladding Materials

- (20) The following external Cladding materials shall be prohibited:
- (a) Vinyl;
 - (b) Plastic;
 - (c) Plywood;
 - (d) Concrete block;
 - (e) Exterior insulation and finish systems where stucco is applied to ridged insulation;
 - (f) Metal siding utilizing exposed fasteners;
 - (g) Darkly tinted or mirrored glass; and
 - (h) Vinyl windows on registered heritage properties or properties located within a heritage conservation district.
- Prohibited external cladding is not used on this project.*

Materials used on the building:

- 1 Large Format Porcelain Tile
- 2 Pre-Finished composite metal panel system
- 3 Aluminum window wall system
- 4 Vision glazing
- 5 Prohibited External Cladding Materials as per section 8 (20):

Variations

A variance under Section 8(11) is being sought. The variance is required for 8 (8), and (13) and is consistent with the provisions of Section 3.3.4 of the Design Manual.

Streetwalls – Section 9

Streetwall: Streetline Setbacks

9(1) Streetwalls shall have a streetline setback as specified in map 6. *The proposed building has a street line setback of 0.0 metres along Lower Water Street and 1.0m from the Morris Street extension.*

Streetwall: Height

- (2) Maximum streetwall height shall be as specified on Map 7. *Building complies with 18.5 metres max street wall height.*
- (3) The minimum streetwall height shall be 11 metres high, or the height of the building where the building height is less than 11 metres. *Building complies with minimum streetwall height as per definitions in Halifax Land Use Bylaw. See DP3.4 west building elevation for minimum streetwall height dimension.*
- (4) Where there is more than one streetwall of differing heights the lowest of the streetwalls shall be the permitted street wall height. *Site is only affected by Lower Water Street wall.*

Streetwall: Width

- (5) A streetwall shall extend the full width of a lot abutting the streetline. *The streetwall extends the full lot width abutting the street line.*
- (6) On lots other than on Central Blocks, the streetwall width may be reduced to no less than 80% of the lot width of a lot abutting a streetline, provide the streetwall is Contiguous. *The streetwall extends the full lot width abutting the Lower Water Street streetline.*

Streetwall: Stepbacks

- (7) The following minimum stepbacks above the streetwall shall apply to buildings with streetwall setback requirements of 0 to 4.0metres as identified on map 6:
 - a. a minimum of 3 metres for that portion of a building that is a maximum of 33.5 metres in height; or *The proposed development is stepped back 3.0 metres to a maximum building height of 33.5 metres.*
 - b. a minimum of 4.5 metres for that portion of a building that is greater then 33.5 metres in height. *The proposed development is stepped back 4.5 metres for that portion of a building that is greater then 33.5 metres in height.*

Variations

The variations under Section 9(8) are being sought. The variations required for 9(7b) and is consistent with the provisions of Section 3.6.5 of the Design Manual.

Building Setbacks and Stepbacks – Section 10

Low-Rise Buildings

- 10(1) No setback is required from an interior lot line for a low-rise building or the low-rise portion of a building.
- (2) With the exception of required streetwall setbacks, a low-rise building or the low-rise portion of a building is permitted to cover 100% of the lot upon which it is situated. *Building occupies 62.6% of the subject site, with public plaza provided at grade along the harbour front.*
 - (3) *Outside Central Blocks* on lots located outside of Central Blocks, as identified on Map 8, a low-rise building or the low-rise portion of a building may be setback from interior lot lines no more than 20% of the lot width. *Proposed building is compliant along southern property line, but a public plaza is provided for the public benefit along the north east corner of the site.*

Mid-Rise Building

- (4) Above a height of 18.5 metres, or the height of the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than 10% of the lot width or 5.5 metres, whichever is less. Where a lot has more than one streetline, the greater lot width shall apply.
Above the height of 18.5m the mid-rise portion of the building, 3.0 metres setback is provided for 25 metres width of the building along Morris Street portion of the property and 5.5 metres setback is provided for the remaining width of the building along the interior lot line.
Variance is required for the North west side of the building since 5.5 metres setback is not maintained to align the mid-rise portion with the streetwall of the low-rise portion on the lower water street and to create a corner feature for the building.
Refer to variance section, Variance 2 on page 15.
- (5) The mid-rise portion of a building shall not project beyond the vertical plane of the exterior walls of the low-rise portion of the building. *The proposed building is compliant.*

Mid-Rise Buildings: Central Blocks

- (6) *Outside Central Block*

High-Rise Buildings

- (7) Any portion of a high-rise building above a height of 33.5 metres shall be setback 11.5 metres from interior lot lines.
- (8) Any portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 17 metres between the high-rise portion of other buildings on the same lot of the high-rise portion of the same building on the same lot.
- (9) Any portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 23 metres between the high-rise portion of other buildings on the same lot of the high-rise portion of the same building on the same lot. *Refer to variance section, Variance 3 on page 14. Only one high-rise building provided above 33.5m. But the pool railing is also a part of the high-rise portion of the building and variance is required to not have the minimum separation between the building and the pool railing since railing is required as per wind mitigation measures.*
- (10) Any portion of a building above a height of 33.5 metres shall be a maximum width of 38 metres and a maximum depth of 38 metres. *Building width above 33.5 metres is 21.5 m while depth ranges from 53.4 meters at level 12 to 40.7 meters at level 16. The architectural design utilizes a terraced form rather than twin towers to facilitate both light and views to the waterfront from adjacent buildings.*
Refer to variance section, Variance 4 on page 17.

- (2) *Outside Central Block*

Permitted Encroachments

- (13) Balconies shall be permitted encroachments into a setback, stepback or separation distance, at or above the level of the second storey of a building, provided that the protrusion of the balcony is no greater than 2 metres from the building face and the aggregate length of such balconies does not exceed 50% of the horizontal width of that building face. *Refer to variance 5 on page 18.*

Variations

A variance under Section 10 (14) is being sought. The variance is required for 10 (4), (7), (10), and (13) and is consistent with the provisions 3.6.6 and 3.6.7 of the Design Manual.

Precincts: Additional Requirements – Section 11

Precinct 1: Southern Waterfront

11(1) In addition to all other requirements of this bylaw, the following shall apply to Schedule W as shown on Map 1:

- (b) All buildings shall be setback no less than 8 metres from the ordinary high water mark; *Low-rise building is set back from the OHWM 22.3 m and mid-rise is setback 32.0m.*
- (c) The maximum height of any building shall be 12.5 metres; *The proposed building is setback 23.9m from OHWM, this requirement is superseded by sentence (d).*
- (d) Building height in clause (c) may increase at any rate of 1 metre for every additional 1 metre of setback from the minimum required setback from the ordinary high water mark; *This variance is requested for the north face of the building within 30 metres of the ordinary high water mark and at 28.6 metres setback from OHWM setback. As per the requirements of the section 11 (1) (c), the maximum height of the building at this setback can be a total of 33.1 metres [12.5 metres + 20.6 metres high], refer to variance 6 on page 19.*
- (e) The width of any building face parallel to the ordinary high water mark shall not exceed 21.5 metres; *Refer to variance 7 on page 21. For Low-Rise portion - The provided building face width parallel to OHWM is 44 m.*
- (f) Any portion of a building above a height of 33.5 metres shall be a maximum width of 21.5 metres parallel to Lower Water Street and a maximum depth of 38.5 metres. *Portion of building above a height of 33.5 meters parallel to Lower Water Street is 21.5 meters. Building depth ranges from 53.4 meters at level 12 to 40.7 meters at level 16. The proposed building mass located on the south west corner of the site minimizes the shadowing, while providing required density. Refer to variance section, Variance 8 on page 22.*
- (g) The width of any Low-Rise or Mid-Rise building face parallel to the ordinary high water mark may increase at a rate of 1 metre for every additional 1 metre setback from the ordinary high water mark; *Refer to variance 7 on page 21. For Low-Rise portion - The provided building face width parallel to OHWM is 44 m. For Mid-Rise portion - The provided building face width parallel to OHWM is 56 m.*
- (h) Buildings on lots with a streetline width greater than 27.5 metres shall be setback from interior lot lines no less than 10% of the lot width or 8 metres, whichever is less. Where a lot has more than one streetline, the greater lot width shall apply; and clauses (b) through (e) apply to any building or portion thereof within 30 metres of the ordinary high-water mark. *The southern property boundary is a hybrid of street and interior line and to maintain architectural design; 7.62 metres setback has been maintained from the mean centre line of the prolongation of Morris street from their intersection with Lower Water Street to the eastern lot boundary to preserve the waterfront views as per section 7 (18) Waterfront view corridor. Variance is required since building setback is less than 8.0 m adjacent to Nova Scotia Power Inc (NSPI) [south] and north interior lot line due to site conditions and to reinforce the continuous linear form of the street wall along the lower water street with respect to the overall building mass. Refer to variance section, Variance 9 on page 23.*

Variance

A variance under Section 11 (2) is being sought. The variance is required for 11(1) e, 11(1) f and 11(h) and is consistent with the provision 3.6.10 of the Design Manual.

Post Bonus Height Benefit – Section 12

Public benefit will be provided as required in Section 12 of Downtown Halifax Land Use By-Law

Signs – Section 13

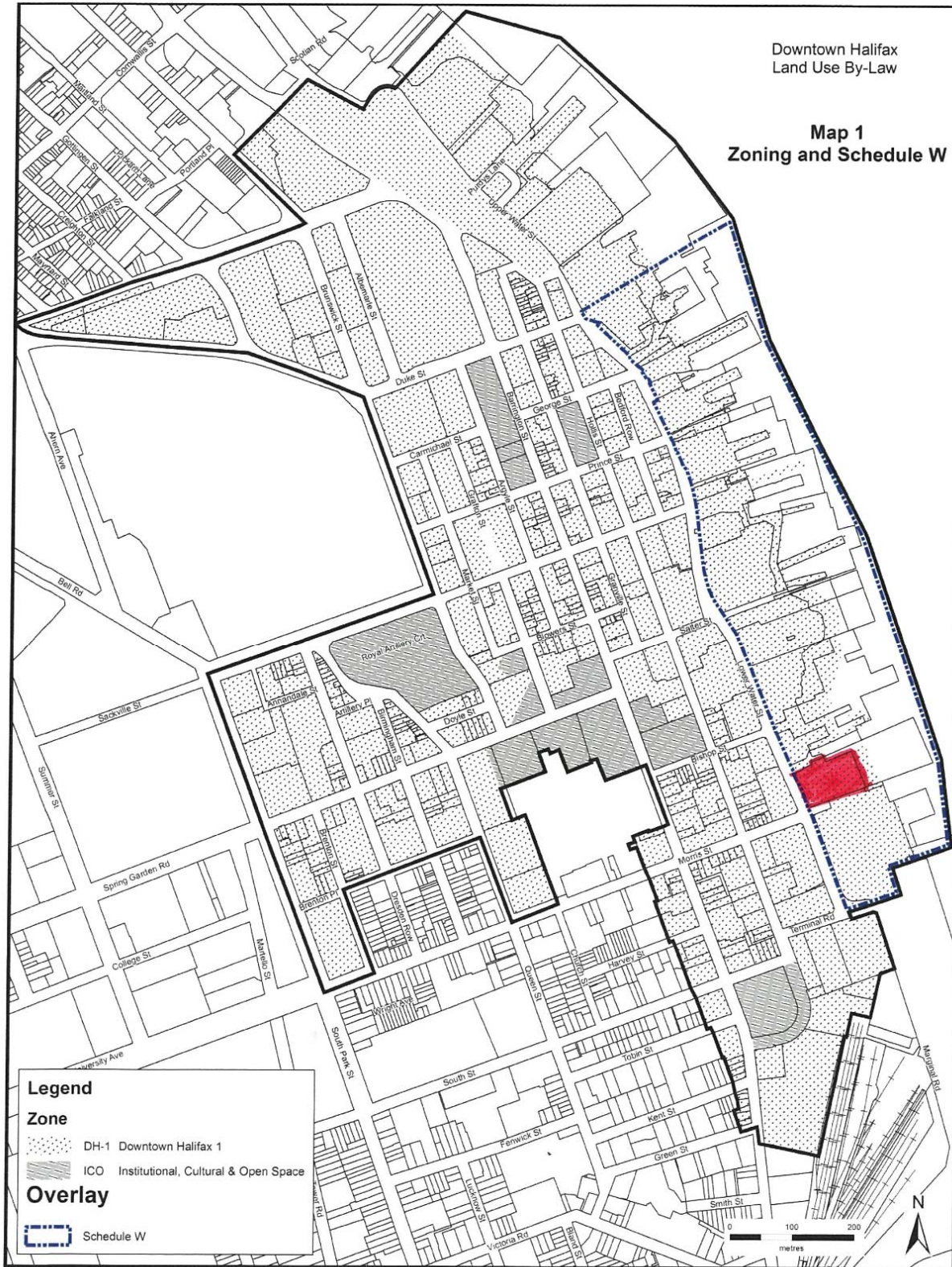
The proposed building and tenant signage shall comply with all guidelines and requirements.

Parking – Section 14

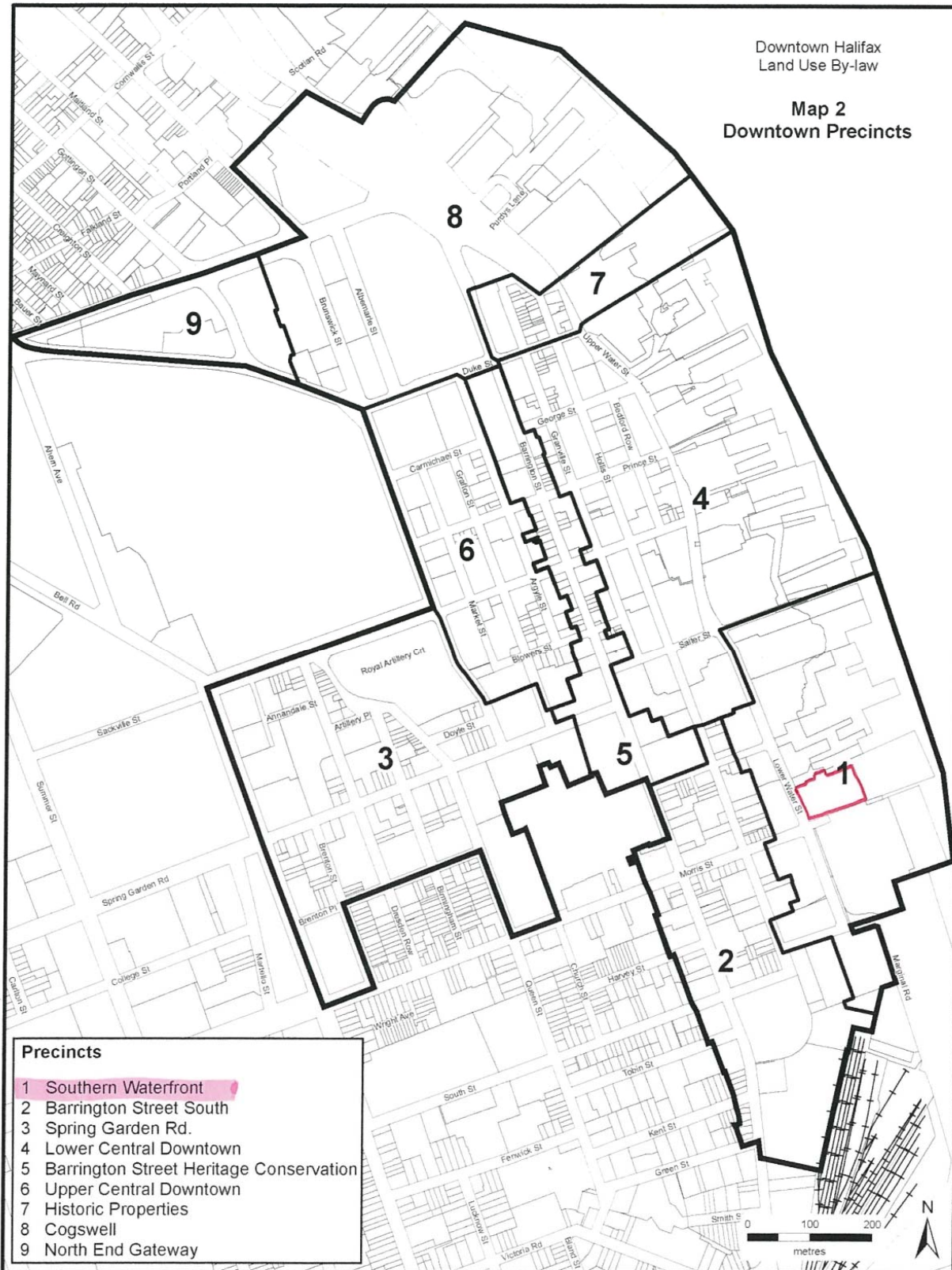
- (1) Accessory surface parking is not provided for the proposed building.
- (15) A total of 142 Bicycle spaces are provided in the proposed development as required.
- (17) A bicycle storage room for Class 'A' parking is provided on level 1 accessible from Lower Water Street visitor access.
- (18) Uncovered Class 'B' bicycle parking is provided on the north public plaza and is accessible from the secondary residential entrance and the boardwalk.

Appendix B - Context Maps

Map 1 – Zoning and Schedule W



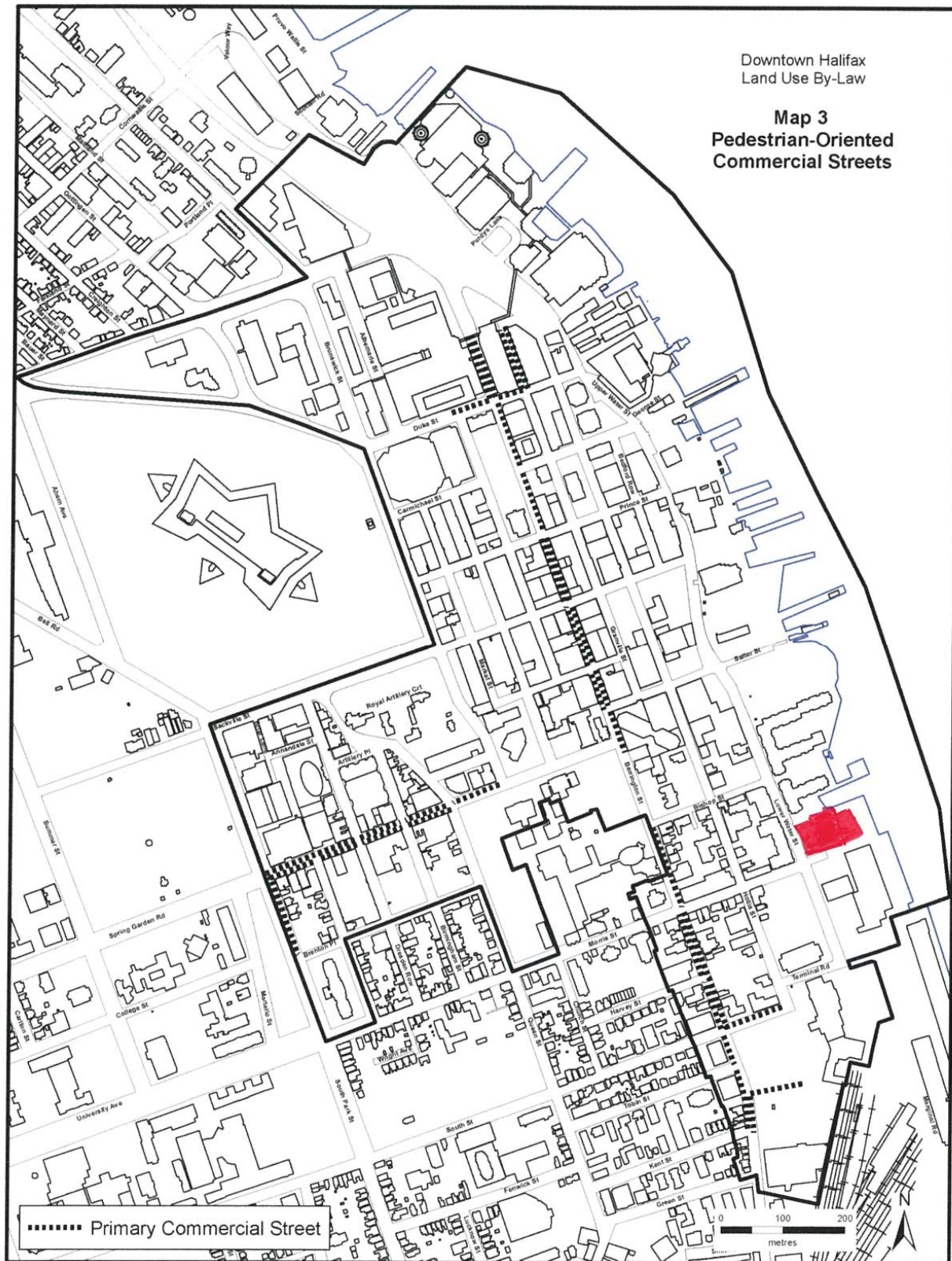
Map 2 – Downtown Precincts



Effective: 24 October 2009

Note: Effective date does not indicate date of data creation

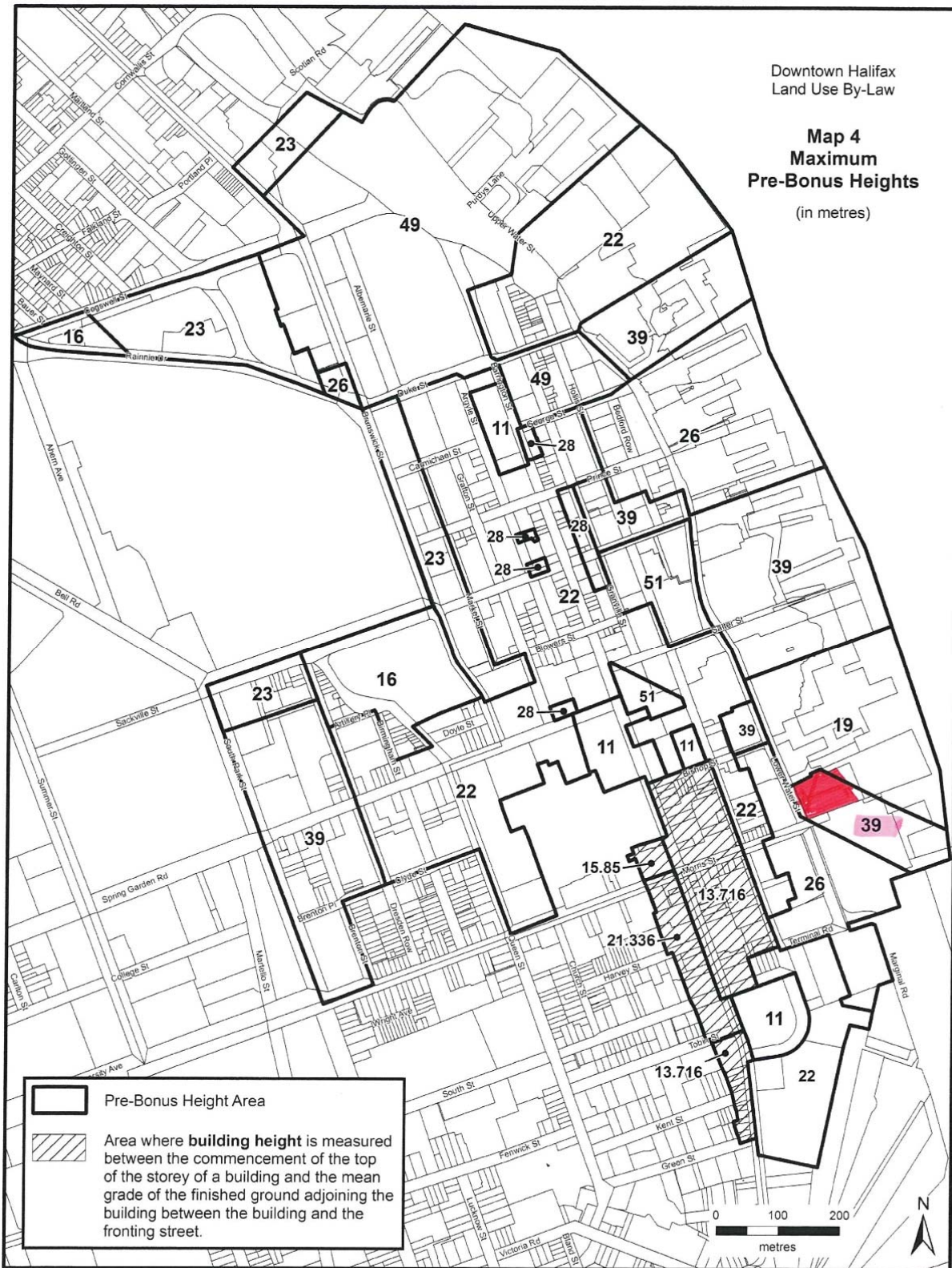
Map 3 – Pedestrian-Oriented Commercial Streets



Effective: 24 October 2009

Note: Effective date does not indicate date of data creation

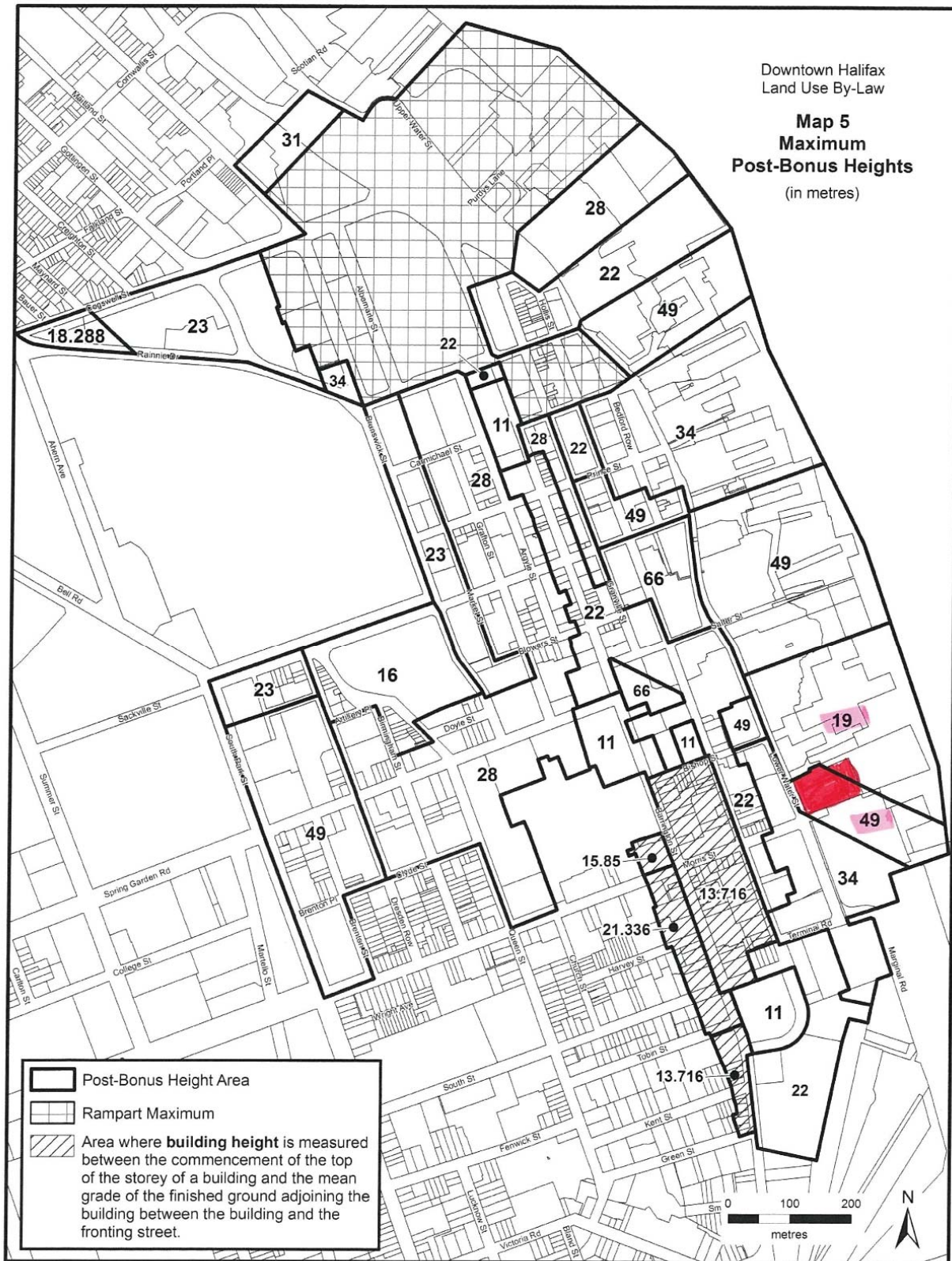
Map 4 – Maximum Pre-Bonus Heights (in metres)



Effective: 17 August 2013

Note: Effective date does not indicate date of data creation.

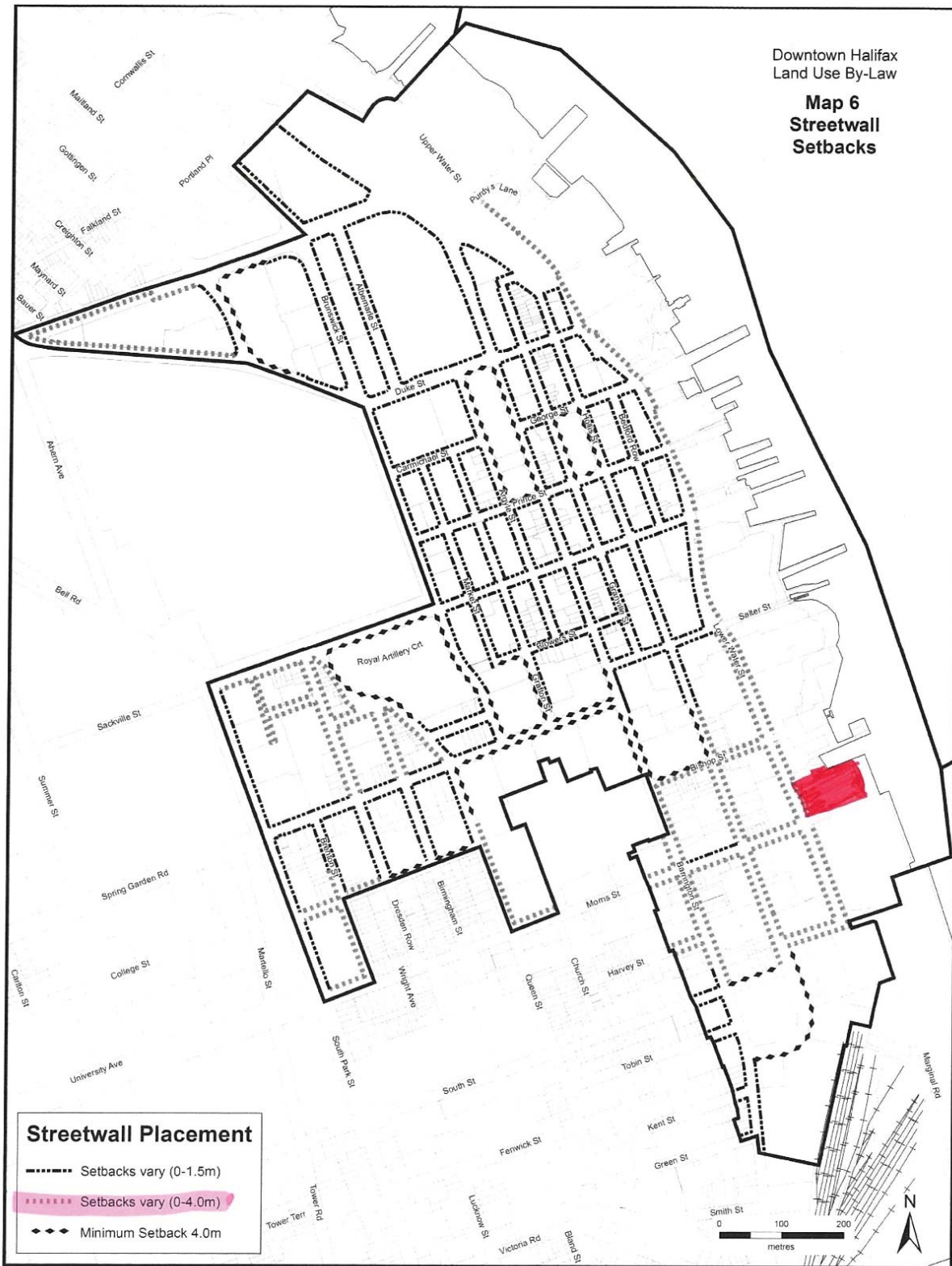
Map 5 – Maximum Post-Bonus Heights (in metres)



Effective: 17 August 2013

Note: Effective date does not indicate date of data creation.

Map 6 – Streetwall Setbacks



Effective: 16 May 2015

Note: Effective date does not indicate date of data creation

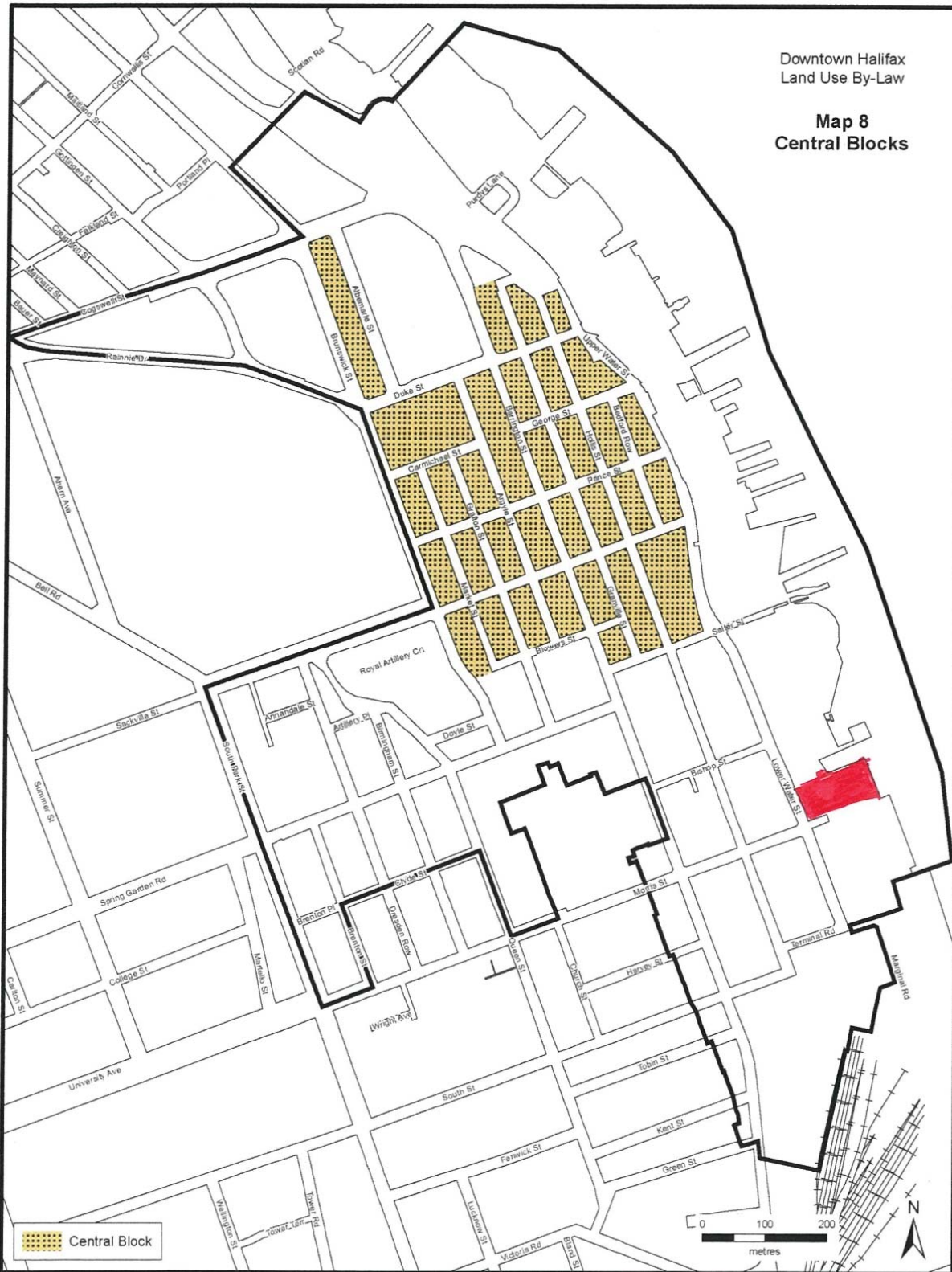
Map 7 – Streetwall Heights



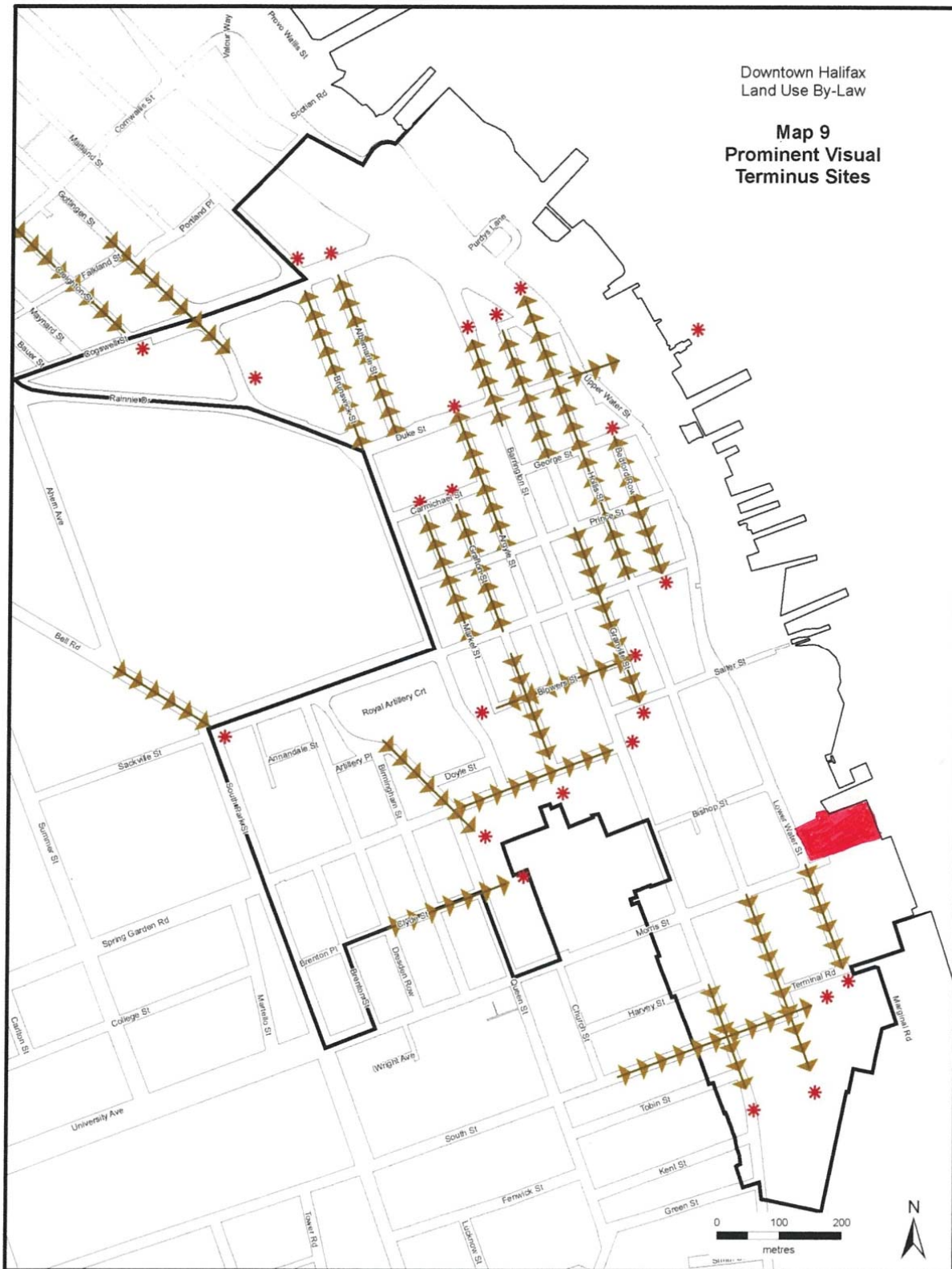
Effective: 3 March 2012

Note: Effective date does not indicate date of data creation

Map 8 – Central Blocks



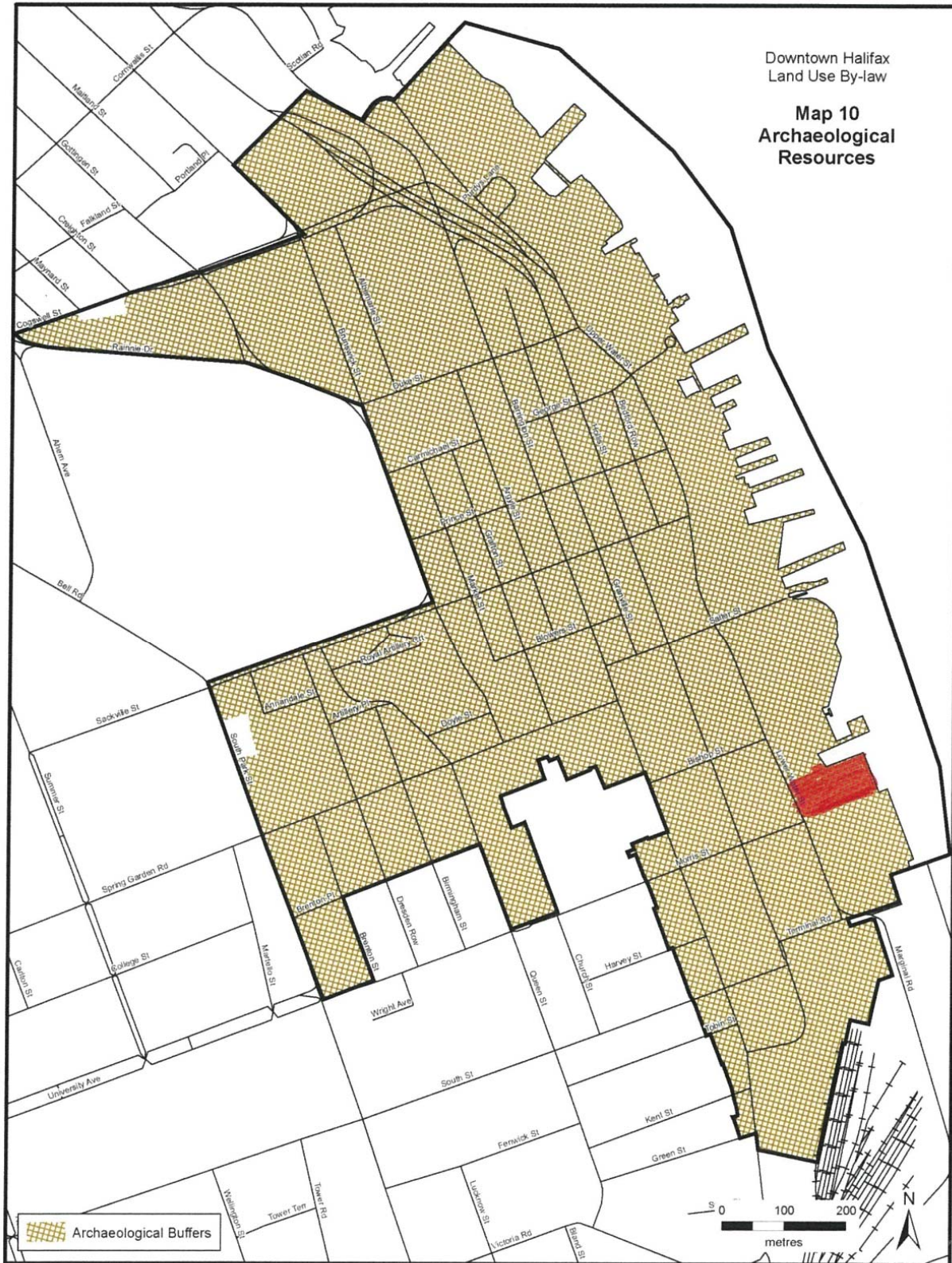
Map 9 – Prominent Visual Terminus Sites



Effective: 24 October 2009

Note: Effective date does not indicate date of data creation.

Map 10 – Archaeological Resources

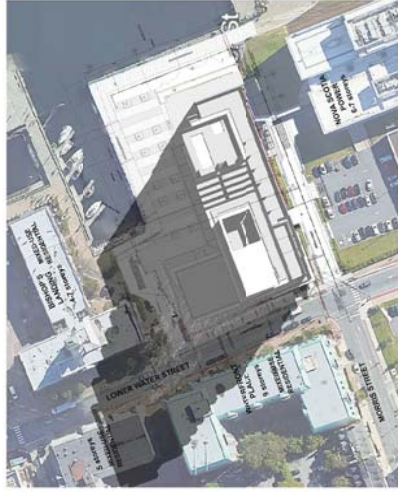


Appendix C - Shadow Study

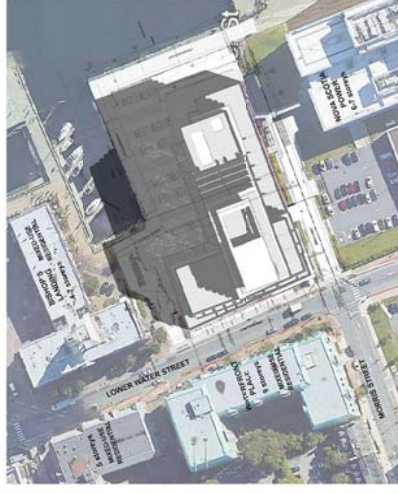
Proposed Building - Shadow Study



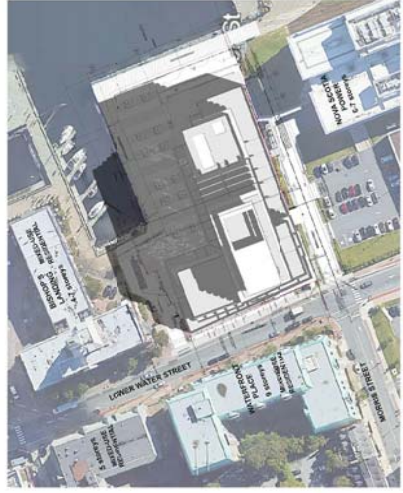
PROPOSED BUILDING



SEPTEMBER 21 - 10 AM



SEPTEMBER 21 - 12 PM



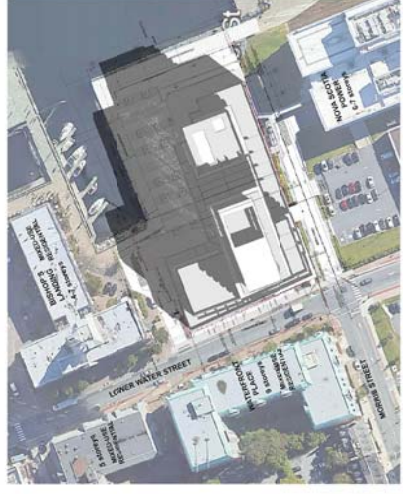
SEPTEMBER 21 - 2 PM



SEPTEMBER 21 - 1 PM

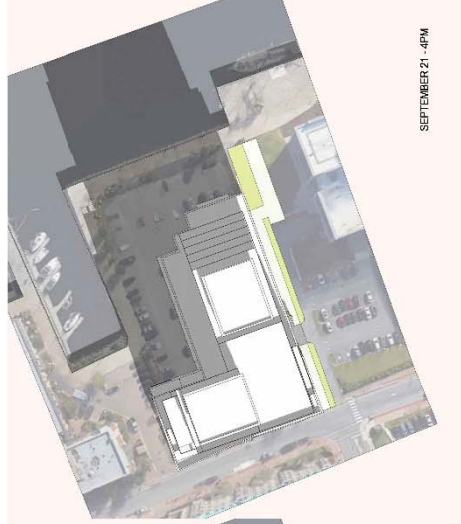
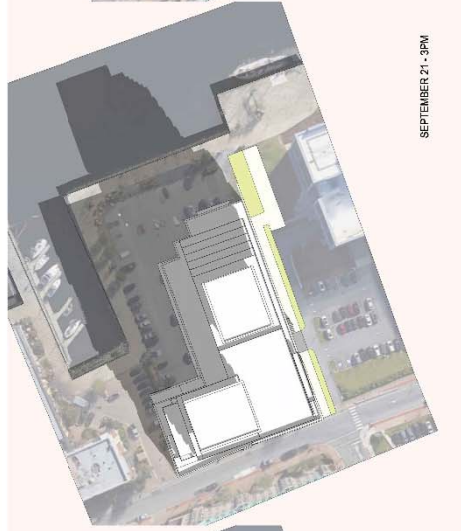
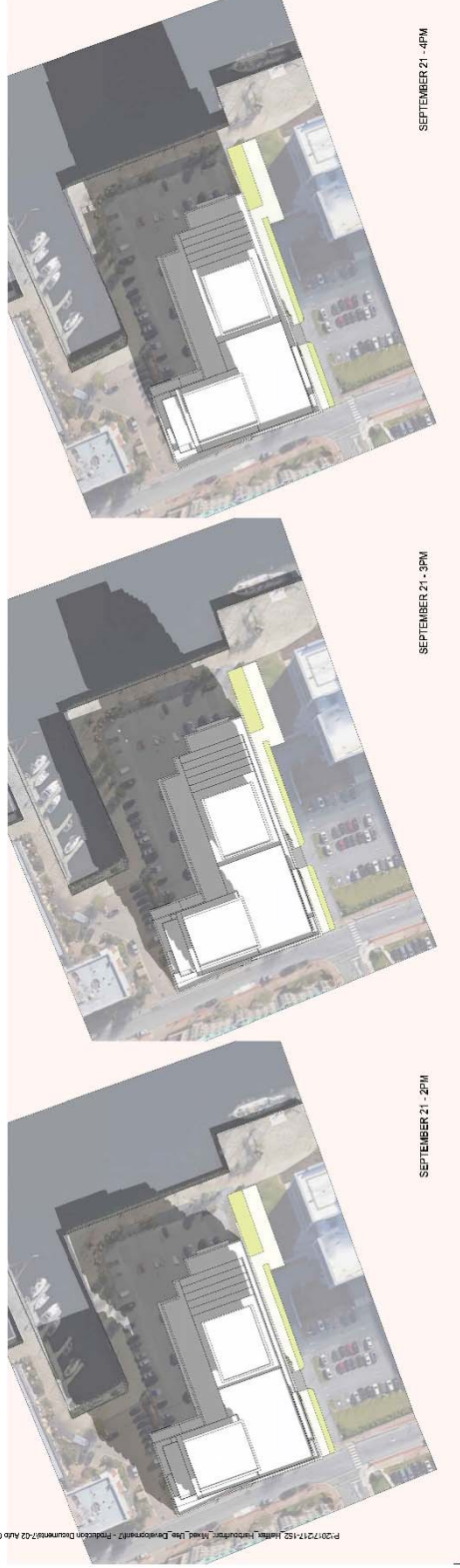
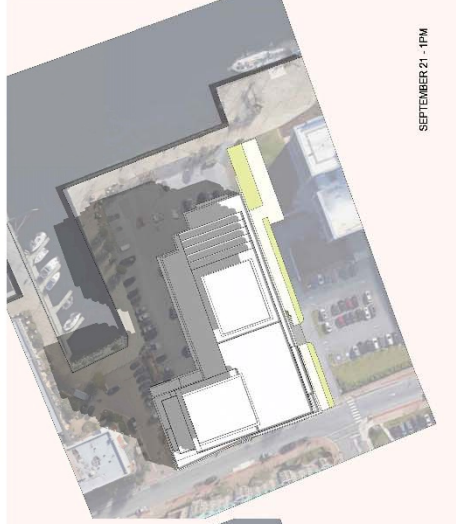
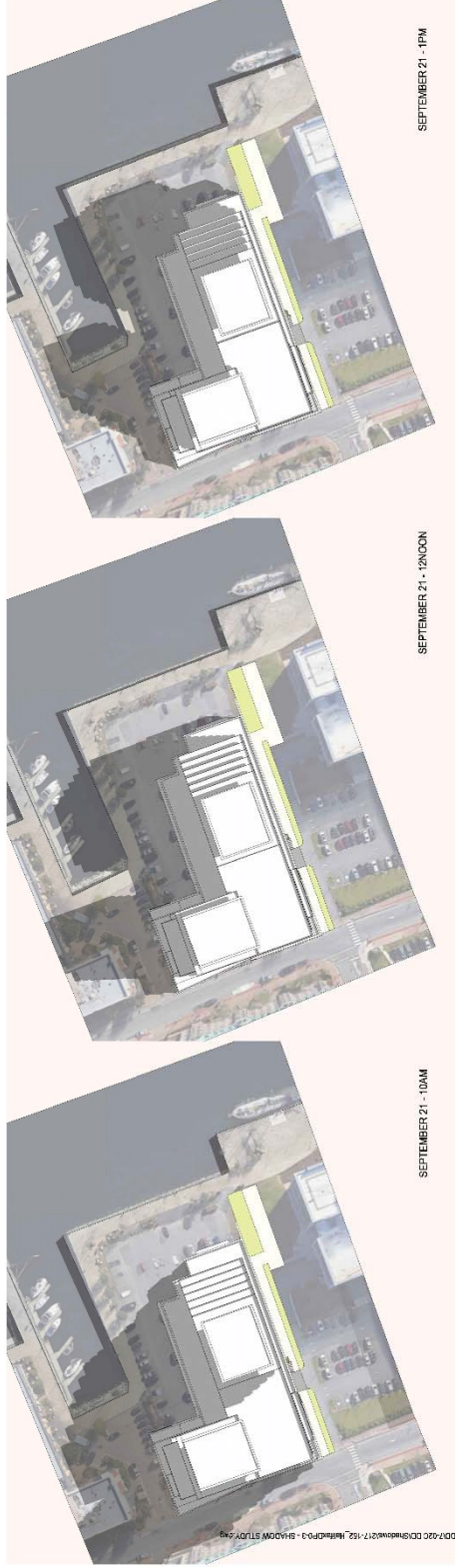


SEPTEMBER 21 - 3 PM



SEPTEMBER 21 - 4 PM

Building Split into Two Towers above 33.5m height - Shadow Study





600 Southgate Drive
Guelph, ON N1G 4P6
Canada

Tel: +1.519.823.1311
Fax: +1.519.823.1316

February 27, 2020

Louann Scallion-Morine, PMP
Planning Analyst
Southwest Properties Limited

1475 Lower Water Street, Suite 100
Halifax, Nova Scotia B3J 3Z2
louann.morine@southwest.ca

Re: Pedestrian Wind Comfort Assessment
Cunard – 1325 Lower Water Street – Halifax, NS
RWDI Reference # 1500704

Dear Louann,

As per your request, Rowan Williams Davies & Irwin Inc. (RWDI) has prepared this letter to comment on the potential wind effects that may be caused by recent design revisions to the proposed Cunard Development at 1325 Lower Water Street in Halifax, NS.

Wind Tunnel Results

RWDI conducted a wind tunnel test in 2015 for the previous Cunard Development design and our findings on wind conditions were summarized in the following report:

Pedestrian Wind Consultation Wind Tunnel Tests – 1325 Lower Water Street – Halifax, Nova Scotia, RWDI Project # 1500704, January 23, 2015, by Nishat Nourin, Dan Bacon and Hanqing Wu

The wind tunnel testing was conducted for the existing and proposed configurations to evaluate the impact of the proposed development (Images 1a and 1b). It was concluded that suitable wind comfort conditions were predicted on and around the proposed development at the grade level. Overall, the grade level pedestrian wind comfort conditions for the proposed development and around the site were found to be similar to those for the existing configuration. However, higher-than-desired wind activity was predicted at the terraces at Levels 11 and 12, including wind safety exceedances at two locations along the north edge of the terrace at Level 12. Conceptual mitigation measures were described in the 2015 report (Appendix A).



Image 1a: Wind tunnel model of the existing site and surroundings in 2015

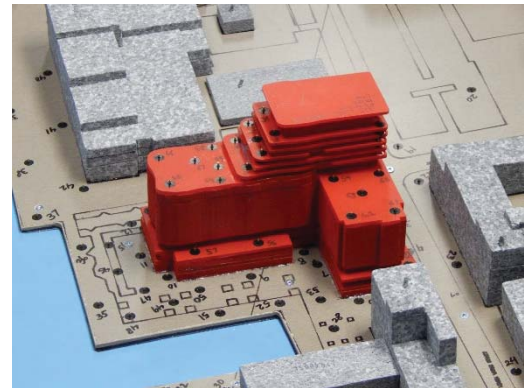


Image 1b: Proposed development and surroundings in 2015

Previous Design Changes

There have been several rounds of design changes since the wind tunnel testing in 2015. RWDI provided our opinions on the potential wind impacts that may be caused by these design changes, with the most recent letter of opinion dated January 27, 2020 (Appendix B), based on the building design received by RWDI on October 29, 2018 and January 22, 2020, as well as our previous wind tunnel results.

Pedestrian Wind Comfort Assessment – Cunard – 1325 Lower Water Street, Halifax, Nova Scotia, RWDI Project # 1500704, January 27, 2020, by Hanqing Wu and Dan Bacon

In the above letter we concluded that “revised design has a building massing and geometry similar to that tested in the wind tunnel in 2015 and, as a result, our previous wind tunnel results and recommendations remain valid. Overall, suitable wind conditions are predicted for pedestrian areas at grade for both the summer and winter seasons. Terraces at Levels 11 and 12 are exposed to higher wind speeds and wind mitigation is required if passive activities are planned for these areas” (Appendix B).

Current Design

The floor plans received by RWDI on February 25, 2020 (Image 2) indicate a shift of the tower to the north to create a T-shaped building. As a result, the proposed tower will have setbacks or podiums on both the north and south sides, which is a positive design change in reducing wind activity at grade. However, terraces at Levels 5 and 11 are expected to be exposed to wind speeds higher than desired for passive activities, as indicated in the initial wind tunnel report in 2015 and our recent letter of opinion in January 2020.



Image 2: Current floor plans at Levels 5 (top), 11 (mid) and 12 (bottom)

Summary

Based on the current building design received by RWDI on February 25, 2020 and our wind tunnel testing for the same development in 2015, the tower shift to the north is a positive design change in reducing the wind activity at grade. Our conclusions in the 2015 report and the January 2020 letter are still applicable for the wind conditions both at grade and on podium terraces.



We trust this satisfies your current requirements. Should you have any questions or require additional information, please do not hesitate to contact us.

Yours truly,
RWDI

Original Signed

Hanqing Wu, Ph.D., P.Eng.
Senior Technical Director/ Principal

Original Signed

Dan Bacon
Senior Project Manager / Principal

The background of the page features a large, light beige circular shape on the right side, partially overlapping a dark blue triangular shape on the left. The text 'APPENDIX A' is centered within the beige area.

APPENDIX A



CONSULTING ENGINEERS
& SCIENTISTS

Tel: 519.823.1311
Fax: 519.823.1316

Rowan Williams Davies & Irwin Inc.
650 Woodlawn Road West
Guelph, Ontario, Canada
N1K 1B8

1325 Lower Water Street
Halifax, Nova Scotia

Report

Pedestrian Wind Consultation Wind Tunnel Tests

RWDI # 1500704
January 23, 2015

SUBMITTED TO

Louann Scallion-Morine
Planning Analyst
Southwest Properties Limited
1475 Lower Water Street, Suite 100
Halifax, Nova Scotia
B3J 3Z2
louann.morine@southwest.ca

SUBMITTED BY

Nishat Nourin, M.Eng., EIT
Technical Coordinator
Nishat.Nourin@rwdi.com

Dan Bacon
Senior Project Manager/ Associate
Dan.Bacon@rwdi.com

Hanqing Wu, Ph.D., P.Eng.
Technical Director
Hanqing.Wu@rwdi.com

This document is intended for the sole use of the party to whom it is addressed and may contain information that is Privileged and/or confidential. If you have received this in error, please notify us immediately.

© RWDI name and logo are registered trademarks in Canada and the United States of America



TABLE OF CONTENTS

1. INTRODUCTION.....	1
2. SUMMARY OF WIND CONDITIONS	1
3. METHODOLOGY.....	2
4. EXPLANATION OF CRITERIA	2
5. PREDICTED WIND CONDITIONS	4
5.1 Grade Level (Locations 1 through 54)	4
5.2 Terrace Levels 11 and 12 (Locations 55 through 65)	5
6. APPLICABILITY	7
7. REFERENCES.....	7

Tables

Table 1:	Pedestrian Wind Comfort and Safety Conditions
----------	---

Figures

Figure 1a:	Wind Tunnel Study Model – Existing Configuration
Figure 1b:	Wind Tunnel Study Model – Proposed Configuration
Figure 2:	Directional Distribution of Winds – Shearwater Airport
Figure 3a:	Pedestrian Wind Comfort Conditions – Existing – Summer
Figure 3b:	Pedestrian Wind Comfort Conditions – Proposed – Summer
Figure 4a:	Pedestrian Wind Comfort Conditions – Existing – Winter
Figure 4b:	Pedestrian Wind Comfort Conditions – Proposed – Winter
Figure 5a:	Pedestrian Wind Safety Conditions – Existing – Annual
Figure 5b:	Pedestrian Wind Safety Conditions – Proposed – Annual

Appendices

Appendix A:	Drawing List for Model Construction
-------------	-------------------------------------



CONSULTING ENGINEERS
& SCIENTISTS

1. INTRODUCTION

Rowan Williams Davies & Irwin Inc. (RWDI) was retained by Southwest Properties Limited to consult on the pedestrian wind conditions for the proposed 1325 Lower Water Street in Halifax, Canada. The purpose of the study was to assess the wind environment around the development in terms of pedestrian wind comfort and safety. This objective was achieved through wind tunnel testing of a 1:400 scale model of the proposed development for the following configurations:

Configuration A - Existing: existing surroundings without the proposed development; and,

Configuration B - Proposed: existing surroundings with the proposed development;

The photographs in Figures 1a and 1b show the test model in RWDI's boundary-layer wind tunnel. The proposed building is approximately 60 m high, consisting of a 16-storey building containing ground floor retail, office and amenity spaces on the second floor and rental units on the floors above. The 11th floor contains a swimming pool and outdoor amenity space. The test model was constructed using the design information and drawings listed in Appendix A. This report summarizes the methodology of wind tunnel studies for pedestrian wind conditions, describes the RWDI pedestrian wind criteria, presents the local wind conditions and their effects on pedestrians and provides conceptual wind control measures, where necessary.

2. SUMMARY OF WIND CONDITIONS

The wind conditions around the proposed 1325 Lower Water Street development are discussed in detail in Section 5 of this report and may be summarized as follows:

- Appropriate wind comfort conditions are predicted on and around the proposed development at the grade level. Overall, the grade level pedestrian wind comfort conditions for the proposed development and around the site were found to be similar to those for the existing configuration.
- Higher than desired wind activity is predicted at the 11th floor and 12th floor terraces. Suggestions for wind control are presented.
- Winds at two locations along the northwest edge of the 12th floor terrace are predicted to exceed the wind safety criterion for the proposed configuration. Conceptual mitigation measures are described.



CONSULTING ENGINEERS
& SCIENTISTS

3. METHODOLOGY

As shown in Figures 1a and 1b, the wind tunnel model included the proposed development and all relevant surrounding buildings and topography within a 460 m radius of the study site. The boundary-layer wind conditions beyond the modelled area were also simulated in RWDI's wind tunnel. The model was instrumented with 65 wind speed sensors to measure mean and gust wind speeds at a full-scale height of approximately 1.5 m. These measurements were recorded for 36 equally incremented wind directions.

Wind statistics recorded at the Shearwater Airport between 1984 and 2014 were analysed for the Summer (May through October) and Winter (November through April) seasons. Figure 2 graphically depicts the directional distributions of wind frequencies and speeds for the two seasons. Winds are frequent from the southwest quadrant in the summer, as indicated by the left wind rose in the figure. During the winter, the prevailing winds are from the northwest quadrant, as indicated by the wind rose on the right of the figure.

Strong winds of a mean speed greater than 30 km/h measured at the airport (at an anemometer height of 10m) occur for 2.4% and 10.6% of the time during the summer and winter seasons, respectively. Strong winds are evenly distributed among all directions during the summer. During the winter, strong winds from the northwest quadrant are more frequent, as indicated by the right wind rose in Figure 2.

Wind statistics from the Shearwater Airport were combined with the wind tunnel data in order to predict the frequency of occurrence of full-scale wind speeds. The full-scale wind predictions were then compared with the RWDI criteria for pedestrian comfort and safety.

4. EXPLANATION OF CRITERIA

The RWDI pedestrian wind criteria are used in the current study. These criteria have been developed by RWDI through research and consulting practice since 1974 (References 1 through 6). They have also been widely accepted by municipal authorities as well as by the building design and city planning community.



RWDI Pedestrian Wind Criteria

Comfort Category	GEM Speed (km/h)	Description
Sitting	≤ 10	Calm or light breezes desired for outdoor restaurants and seating areas where one can read a paper without having it blown away
Standing	≤ 14	Gentle breezes suitable for main building entrances and bus stops
Strolling	≤ 17	Moderate winds that would be appropriate for window shopping and strolling along a downtown street, plaza or park
Walking	≤ 20	Relatively high speeds that can be tolerated if one's objective is to walk, run or cycle without lingering
Uncomfortable	> 20	Strong winds of this magnitude are considered a nuisance for most activities, and wind mitigation is typically recommended
Notes: (1) Gust Equivalent Mean (GEM) speed = $\max(\text{mean speed, gust speed}/1.85)$; and (2) GEM speeds listed above are based on a seasonal exceedance of 20% of the time between 6:00 and 23:00.		
Safety Criterion	Gust Speed (km/h)	Description
Exceeded	> 90	Excessive gust speeds that can adversely affect a pedestrian's balance and footing. Wind mitigation is typically required.
Note: Based on an annual exceedance of 9 hours or 0.1% of the time for 24 hours a day.		

A few additional comments are provided below to further explain the wind criteria and their applications.

- Both mean and gust speeds can affect pedestrian's comfort and their combined effect is typically quantified by a Gust Equivalent Mean (GEM) speed, with a gust factor of 1.85 (References 1, 5, 7 and 8).
- Instead of standard four seasons, two periods of summer (May to October) and winter (November to April) are adopted in the wind analysis, because in a moderate or cold climate such as that found in Halifax, there are distinct differences in pedestrian outdoor behaviours between these two time periods.
- Nightly hours between midnight and 5 o'clock in the morning are excluded from the wind analysis for wind comfort since limited usage of outdoor spaces is anticipated.
- A 20% exceedance is used in these criteria to determine the comfort category, which suggests that wind speeds would be comfortable for the corresponding activity at least 80% of the time or four out of five days.
- Only gust winds need to be considered in the wind safety criterion. These are usually rare events, but deserve special attention in city planning and building design due to their potential safety impact on pedestrians.



CONSULTING ENGINEERS
& SCIENTISTS

- These criteria for wind forces represent average wind tolerance. They are sometimes subjective and regional differences in wind climate and thermal conditions as well as variations in age, health, clothing, etc. can also affect people's perception of the wind climate. Comparisons of wind speeds for different building configurations are the most objective way in assessing local pedestrian wind conditions.

5. PREDICTED WIND CONDITIONS

Table 1, located in the Tables section of this report, presents the wind comfort and safety conditions for the two test configurations. These conditions are graphically depicted on a site plan in Figures 3a through 5b.

In our discussion of anticipated wind conditions, reference may be made to the following generalized wind flows. Tall buildings tend to intercept the stronger winds at higher elevations and redirect them to the ground level (see Image 1). Such a *Downwashing Flow* is often the main cause for wind accelerations around large buildings at the pedestrian level. In addition, *Corner Acceleration* occurs when winds accelerate around building corners at pedestrian level, and cause a localized increase in the wind activity in that area (see Image 2). If these building/wind combinations occur for prevailing winds, there is a greater potential for increased wind activity.

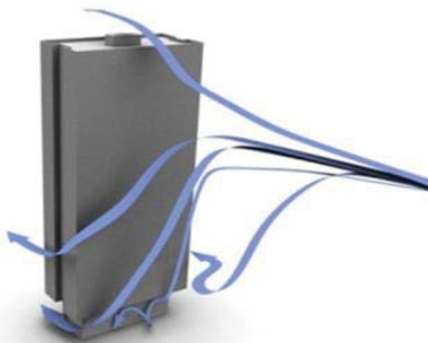


Image 1 – Downwashing Flow

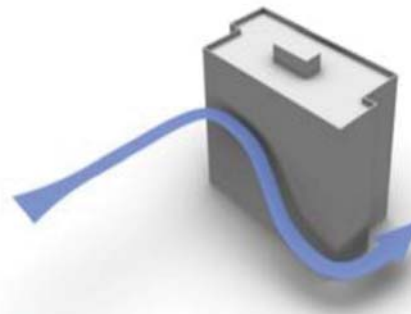


Image 2 – Corner Acceleration

5.1 Grade Level (Locations 1 through 54)

The existing wind conditions at the grade level are generally comfortable for sitting and standing during summer (Figure 3a). Slightly higher winds speeds comfortable for walking or better are expected during winter (Figure 4a). No uncomfortable wind condition is predicted for the existing configuration.

Wind conditions suitable for walking or strolling are appropriate for sidewalks. Lower wind speeds conducive to standing are preferred at main entrances where pedestrians are apt to linger. For the proposed configuration, Locations 3, 6 to 10 and 54 represent the main entrances of the proposed development. The wind conditions at the main entrances are predicted to be comfortable for sitting or



CONSULTING ENGINEERS
& SCIENTISTS

standing for both summer and winter (Figures 3b and 4b). These wind conditions are considered appropriate for the entrances.

Wind speeds at all potential outdoor seating areas are mainly comfortable for standing in the summer (Locations 46 to 49 in Figure 3b). During winter, slightly higher wind speeds comfortable for strolling are expected. The proposed landscaping, which was not modelled in the wind tunnel testing, would reduce the wind speeds in these areas.

In general, the sidewalks immediately around the proposed development are expected to be comfortable for standing or strolling during summer (Figure 3b). During winter, the wind conditions are predicted to be comfortable for strolling or walking (Figure 4b). The offsite walkways include those along Lower Water Street, Morris Street and the walkways around the Halifax Harbour. The offsite walkways are predicted to be comfortable for sitting or standing during summer (Figure 3b). Higher wind activity, mostly comfortable for strolling or walking, is expected during winter (Figure 4b). In addition, wind conditions on the boardwalk are not negatively affected by the proposed development as shown in Figures 3a through 5b.

Wind conditions at all grade locations meet the safety criterion for both the existing and proposed configurations.

5.2 Terrace Levels 11 and 12 (Locations 55 through 65)

Typically for accessible terraces intended for passive activities, wind conditions that are comfortable for sitting or standing are desirable, depending upon the activity planned. In summer, the terrace on the 11th floor of the proposed development is predicted to be comfortable for standing or strolling (Locations 55 to 59 in Figure 3b). The higher than desired wind conditions along the northwest and northeast edges of the Level 11 terrace is due to both the exposure of the area to the northerly, westerly and southerly winds and the deflection and subsequent downwashing of these winds off the building facades (Locations 56, 57 and 58 in Figure 3b). During winter, this area is expected to be comfortable for strolling or walking (Locations 55 to 59 in Figure 4b). Since this area will have limited usage during winter, the higher wind speeds in winter should not be a concern.

If lower wind activity is desired for the level 11 podium on the north side of the tower, tall parapets at least 2 m high and approximately 20 – 30% porous can be installed along the edges of the terrace. Landscaping and trellises can also be installed around the areas where occupants are likely to gather (see examples in Images 3 and 4). Trellises, stand-alone canopies and other such horizontal elements provide shelter from downwashing flows.



CONSULTING ENGINEERS
& SCIENTISTS



Image 3 – Examples of Porous Parapets



Image 4 – Examples of Landscaping And Trellises

The terrace on the 12th floor, on the east side of the proposed tower is predicted to be comfortable for standing or strolling during summer. Higher wind speeds comfortable for walking or strolling is expected during winter (Locations 60 to 65 in Figures 3b and 4b). Two locations northwest edge of the 12th floor podium did not meet the wind safety criterion (Locations 60 and 61 in Figure 5b). This is due to the exposure of the area to predominant winds from northwest, north and east. In addition, these winds downwash off the tower façade on to the terrace, thereby creating high wind activity.

It would be beneficial to install tall porous parapets along the edges of the podium to reduce the impact of the prevailing winds. In addition, horizontal wind control features, such as a canopy or trellises, similar to those recommended for the Level 11 terrace, can be used to improve the overall wind conditions. Examples of these are shown in Images 3 and 4.



CONSULTING ENGINEERS
& SCIENTISTS

6. APPLICABILITY

The wind conditions presented in this report pertain to the model of the proposed 1325 Lower Water Street development constructed using the architectural design drawings listed in Appendix A. Should there be any design changes that deviate from this list of drawings, the wind conditions presented may change. Therefore, if changes in the design are made, it is recommended that RWDI be contacted and requested to review their potential effects on wind conditions.

7. REFERENCES

- 1) ASCE Task Committee on Outdoor Human Comfort (2004). *Outdoor Human Comfort and Its Assessment*, 68 pages, American Society of Civil Engineers, Reston, Virginia, USA.
- 2) Williams, C.J., Hunter, M.A. and Waechter, W.F. (1990). "Criteria for Assessing the Pedestrian Wind Environment," *Journal of Wind Engineering and Industrial Aerodynamics*, Vol.36, pp.811-815.
- 3) Williams, C.J., Soligo M.J. and Cote, J. (1992). "A Discussion of the Components for a Comprehensive Pedestrian Level Comfort Criteria," *Journal of Wind Engineering and Industrial Aerodynamics*, Vol.41-44, pp.2389-2390.
- 4) Soligo, M.J., Irwin, P.A., and Williams, C.J. (1993). "Pedestrian Comfort Including Wind and Thermal Effects," *Third Asia-Pacific Symposium on Wind Engineering*, Hong Kong.
- 5) Soligo, M.J., Irwin, P.A., Williams, C.J. and Schuyler, G.D. (1998). "A Comprehensive Assessment of Pedestrian Comfort Including Thermal Effects," *Journal of Wind Engineering and Industrial Aerodynamics*, Vol.77&78, pp.753-766.
- 6) Williams, C.J., Wu, H., Waechter, W.F. and Baker, H.A. (1999). "Experiences with Remedial Solutions to Control Pedestrian Wind Problems," *Tenth International Conference on Wind Engineering*, Copenhagen, Denmark.
- 7) Lawson, T.V. (1973). "Wind Environment of Buildings: A Logical Approach to the Establishment of Criteria", *Report No. TVL 7321*, Department of Aeronautic Engineering, University of Bristol, Bristol, England.
- 8) Durgin, F. H. (1997). "Pedestrian Level Wind Criteria Using the Equivalent average", *Journal of Wind Engineering and Industrial Aerodynamics*, Vol. 66, pp. 215-226.

TABLES



CONSULTING ENGINEERS
& SCIENTISTS

Table 1: Pedestrian Wind Comfort and Safety Conditions

Location	Configuration	Wind Comfort (20% Seasonal Exceedance)				Wind Safety (0.1% Exceedance)	
		Summer		Winter		Annual	
		Speed (km/h)	Rating	Speed (km/h)	Rating	Speed (km/h)	Rating
1	Existing	12	Standing	14	Standing	64	Pass
	Proposed	13	Standing	16	Strolling	70	Pass
2	Existing	12	Standing	14	Standing	62	Pass
	Proposed	13	Standing	15	Strolling	72	Pass
3	Existing	12	Standing	14	Standing	60	Pass
	Proposed	12	Standing	13	Standing	62	Pass
4	Existing	12	Standing	15	Strolling	64	Pass
	Proposed	13	Standing	14	Standing	63	Pass
5	Existing	13	Standing	16	Strolling	68	Pass
	Proposed	16	Strolling	19	Walking	78	Pass
6	Existing	10	Sitting	12	Standing	59	Pass
	Proposed	12	Standing	14	Standing	64	Pass
7	Existing	11	Standing	13	Standing	57	Pass
	Proposed	8	Sitting	10	Sitting	50	Pass
8	Existing	11	Standing	13	Standing	57	Pass
	Proposed	7	Sitting	9	Sitting	49	Pass
9	Existing	12	Standing	14	Standing	59	Pass
	Proposed	10	Sitting	12	Standing	58	Pass
10	Existing	13	Standing	16	Strolling	64	Pass
	Proposed	9	Sitting	11	Standing	53	Pass
11	Existing	12	Standing	15	Strolling	62	Pass
	Proposed	12	Standing	15	Strolling	79	Pass
12	Existing	11	Standing	14	Standing	60	Pass
	Proposed	17	Strolling	20	Walking	87	Pass
13	Existing	13	Standing	15	Strolling	65	Pass
	Proposed	12	Standing	14	Standing	68	Pass
14	Existing	13	Standing	15	Strolling	63	Pass
	Proposed	11	Standing	14	Standing	62	Pass
15	Existing	12	Standing	15	Strolling	64	Pass
	Proposed	11	Standing	14	Standing	67	Pass
16	Existing	12	Standing	14	Standing	66	Pass
	Proposed	14	Standing	18	Walking	76	Pass

Seasons

Summer = May to October
Winter = November to April

Hours

6:00 to 23:00 for Comfort
0:00 to 23:00 for Safety

Wind Comfort Category

(20% Seasonal Exceedance)

≤ 10 km/h Sitting
11 to 14 Standing
15 to 17 Strolling
18 to 20 Walking
> 20 km/h Uncomfortable

Wind Safety Category

(0.1% Annual Exceedance)

≤ 90 km/h Pass
> 90 km/h Exceeded

Configuration

Existing = without the proposed development
Proposed = with the proposed development



CONSULTING ENGINEERS
& SCIENTISTS

Table 1: Pedestrian Wind Comfort and Safety Conditions

Location	Configuration	Wind Comfort (20% Seasonal Exceedance)				Wind Safety (0.1% Exceedance)	
		Summer		Winter		Annual	
		Speed (km/h)	Rating	Speed (km/h)	Rating	Speed (km/h)	Rating
17	Existing	12	Standing	14	Standing	64	Pass
	Proposed	11	Standing	13	Standing	59	Pass
18	Existing	12	Standing	14	Standing	64	Pass
	Proposed	11	Standing	13	Standing	57	Pass
19	Existing	12	Standing	14	Standing	62	Pass
	Proposed	13	Standing	16	Strolling	71	Pass
20	Existing	12	Standing	13	Standing	59	Pass
	Proposed	12	Standing	14	Standing	64	Pass
21	Existing	10	Sitting	12	Standing	62	Pass
	Proposed	11	Standing	12	Standing	58	Pass
22	Existing	12	Standing	14	Standing	73	Pass
	Proposed	14	Standing	17	Strolling	71	Pass
23	Existing	10	Sitting	12	Standing	58	Pass
	Proposed	13	Standing	15	Strolling	68	Pass
24	Existing	11	Standing	13	Standing	67	Pass
	Proposed	10	Sitting	13	Standing	66	Pass
25	Existing	12	Standing	15	Strolling	65	Pass
	Proposed	13	Standing	16	Strolling	70	Pass
26	Existing	12	Standing	15	Strolling	64	Pass
	Proposed	12	Standing	14	Standing	60	Pass
27	Existing	9	Sitting	11	Standing	62	Pass
	Proposed	14	Standing	16	Strolling	71	Pass
28	Existing	10	Sitting	11	Standing	50	Pass
	Proposed	14	Standing	16	Strolling	73	Pass
29	Existing	10	Sitting	11	Standing	61	Pass
	Proposed	10	Sitting	12	Standing	63	Pass
30	Existing	13	Standing	15	Strolling	66	Pass
	Proposed	10	Sitting	12	Standing	56	Pass
31	Existing	12	Standing	15	Strolling	72	Pass
	Proposed	12	Standing	15	Strolling	70	Pass
32	Existing	13	Standing	15	Strolling	66	Pass
	Proposed	12	Standing	14	Standing	62	Pass

Seasons

Summer = May to October
Winter = November to April

Hours

6:00 to 23:00 for Comfort
0:00 to 23:00 for Safety

Wind Comfort Category

(20% Seasonal Exceedance)

≤ 10 km/h Sitting
11 to 14 Standing
15 to 17 Strolling
18 to 20 Walking
> 20 km/h Uncomfortable

Wind Safety Category

(0.1% Annual Exceedance)

≤ 90 km/h Pass
> 90 km/h Exceeded

Configuration

Existing = without the proposed development
Proposed = with the proposed development



CONSULTING ENGINEERS
& SCIENTISTS

Table 1: Pedestrian Wind Comfort and Safety Conditions

Location	Configuration	Wind Comfort (20% Seasonal Exceedance)				Wind Safety (0.1% Exceedance)	
		Summer		Winter		Annual	
		Speed (km/h)	Rating	Speed (km/h)	Rating	Speed (km/h)	Rating
33	Existing	13	Standing	17	Strolling	67	Pass
	Proposed	13	Standing	16	Strolling	68	Pass
34	Existing	15	Strolling	18	Walking	73	Pass
	Proposed	15	Strolling	18	Walking	72	Pass
35	Existing	13	Standing	16	Strolling	65	Pass
	Proposed	14	Standing	17	Strolling	75	Pass
36	Existing	13	Standing	16	Strolling	65	Pass
	Proposed	15	Strolling	19	Walking	81	Pass
37	Existing	13	Standing	16	Strolling	66	Pass
	Proposed	14	Standing	17	Strolling	72	Pass
38	Existing	13	Standing	16	Strolling	70	Pass
	Proposed	12	Standing	15	Strolling	65	Pass
39	Existing	13	Standing	15	Strolling	67	Pass
	Proposed	12	Standing	15	Strolling	65	Pass
40	Existing	11	Standing	13	Standing	64	Pass
	Proposed	10	Sitting	12	Standing	64	Pass
41	Existing	11	Standing	13	Standing	64	Pass
	Proposed	10	Sitting	13	Standing	64	Pass
42	Existing	15	Strolling	19	Walking	86	Pass
	Proposed	13	Standing	16	Strolling	79	Pass
43	Existing	9	Sitting	12	Standing	59	Pass
	Proposed	13	Standing	15	Strolling	75	Pass
44	Existing	13	Standing	16	Strolling	76	Pass
	Proposed	15	Strolling	18	Walking	81	Pass
45	Existing	12	Standing	15	Strolling	63	Pass
	Proposed	13	Standing	16	Strolling	77	Pass
46	Existing	13	Standing	15	Strolling	65	Pass
	Proposed	13	Standing	16	Strolling	71	Pass
47	Existing	13	Standing	16	Strolling	65	Pass
	Proposed	13	Standing	17	Strolling	81	Pass
48	Existing	13	Standing	16	Strolling	66	Pass
	Proposed	13	Standing	16	Strolling	75	Pass

Seasons

Summer = May to October
Winter = November to April

Hours

6:00 to 23:00 for Comfort
0:00 to 23:00 for Safety

Wind Comfort Category

(20% Seasonal Exceedance)

≤ 10 km/h Sitting
11 to 14 Standing
15 to 17 Strolling
18 to 20 Walking
> 20 km/h Uncomfortable

Wind Safety Category

(0.1% Annual Exceedance)

≤ 90 km/h Pass
> 90 km/h Exceeded

Configuration

Existing = without the proposed development
Proposed = with the proposed development



CONSULTING ENGINEERS
& SCIENTISTS

Table 1: Pedestrian Wind Comfort and Safety Conditions

Location	Configuration	Wind Comfort (20% Seasonal Exceedance)				Wind Safety (0.1% Exceedance)	
		Summer		Winter		Annual	
		Speed (km/h)	Rating	Speed (km/h)	Rating	Speed (km/h)	Rating
49	Existing	13	Standing	15	Strolling	64	Pass
	Proposed	13	Standing	16	Strolling	78	Pass
50	Existing	12	Standing	15	Strolling	63	Pass
	Proposed	11	Standing	14	Standing	72	Pass
51	Existing	12	Standing	15	Strolling	61	Pass
	Proposed	13	Standing	16	Strolling	75	Pass
52	Existing	11	Standing	13	Standing	54	Pass
	Proposed	13	Standing	15	Strolling	74	Pass
53	Existing	15	Strolling	18	Walking	65	Pass
	Proposed	16	Strolling	20	Walking	81	Pass
54	Existing	Data Not Available		12	Standing	61	Pass
	Proposed	10	Sitting				
55	Existing	Data Not Available		15	Strolling	70	Pass
	Proposed	12	Standing				
56	Existing	Data Not Available		19	Walking	90	Pass
	Proposed	17	Strolling				
57	Existing	Data Not Available		19	Walking	79	Pass
	Proposed	16	Strolling				
58	Existing	Data Not Available		17	Strolling	74	Pass
	Proposed	15	Strolling				
59	Existing	Data Not Available		17	Strolling	74	Pass
	Proposed	14	Standing				
60	Existing	Data Not Available		20	Walking	93	Exceeded
	Proposed	16	Strolling				
61	Existing	Data Not Available		19	Walking	91	Exceeded
	Proposed	14	Standing				
62	Existing	Data Not Available		20	Walking	88	Pass
	Proposed	17	Strolling				
63	Existing	Data Not Available		18	Walking	80	Pass
	Proposed	16	Strolling				
64	Existing	Data Not Available		18	Walking	83	Pass
	Proposed	16	Strolling				

Seasons	Hours	Wind Comfort Category	Wind Safety Category
Summer = May to October	6:00 to 23:00 for Comfort	(20% Seasonal Exceedance)	(0.1% Annual Exceedance)
Winter = November to April	0:00 to 23:00 for Safety	≤ 10 km/h	≤ 90 km/h
		11 to 14	Pass
		15 to 17	Exceeded
		18 to 20	
		> 20 km/h	
Configuration		Sitting	
Existing = without the proposed development		Standing	
Proposed = with the proposed development		Strolling	
		Walking	
		Uncomfortable	



CONSULTING ENGINEERS
& SCIENTISTS

Table 1: Pedestrian Wind Comfort and Safety Conditions

Location	Configuration	Wind Comfort (20% Seasonal Exceedance)				Wind Safety (0.1% Exceedance)	
		Summer		Winter		Annual	
		Speed (km/h)	Rating	Speed (km/h)	Rating	Speed (km/h)	Rating
65	Existing Proposed	Data Not Available 13	Standing	16	Strolling	77	Pass

Seasons

Summer = May to October
Winter = November to April

Hours

6:00 to 23:00 for Comfort
0:00 to 23:00 for Safety

Wind Comfort Category

(20% Seasonal Exceedance)

≤ 10 km/h Sitting
11 to 14 Standing
15 to 17 Strolling
18 to 20 Walking
> 20 km/h Uncomfortable

Wind Safety Category

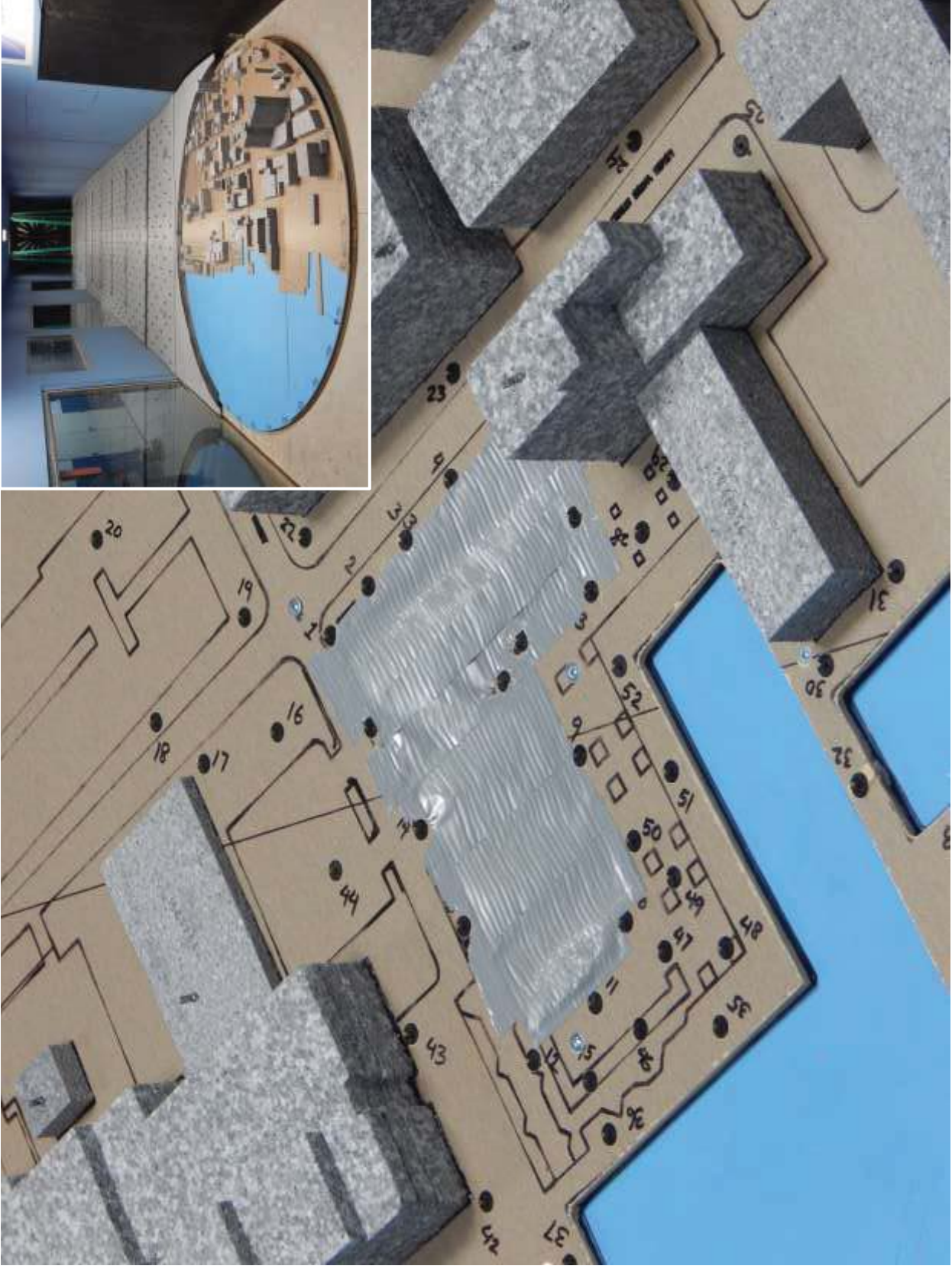
(0.1% Annual Exceedance)

≤ 90 km/h Pass
> 90 km/h Exceeded

Configuration

Existing = without the proposed development
Proposed = with the proposed development

FIGURES



**Wind Tunnel Study Model
Existing Configuration**

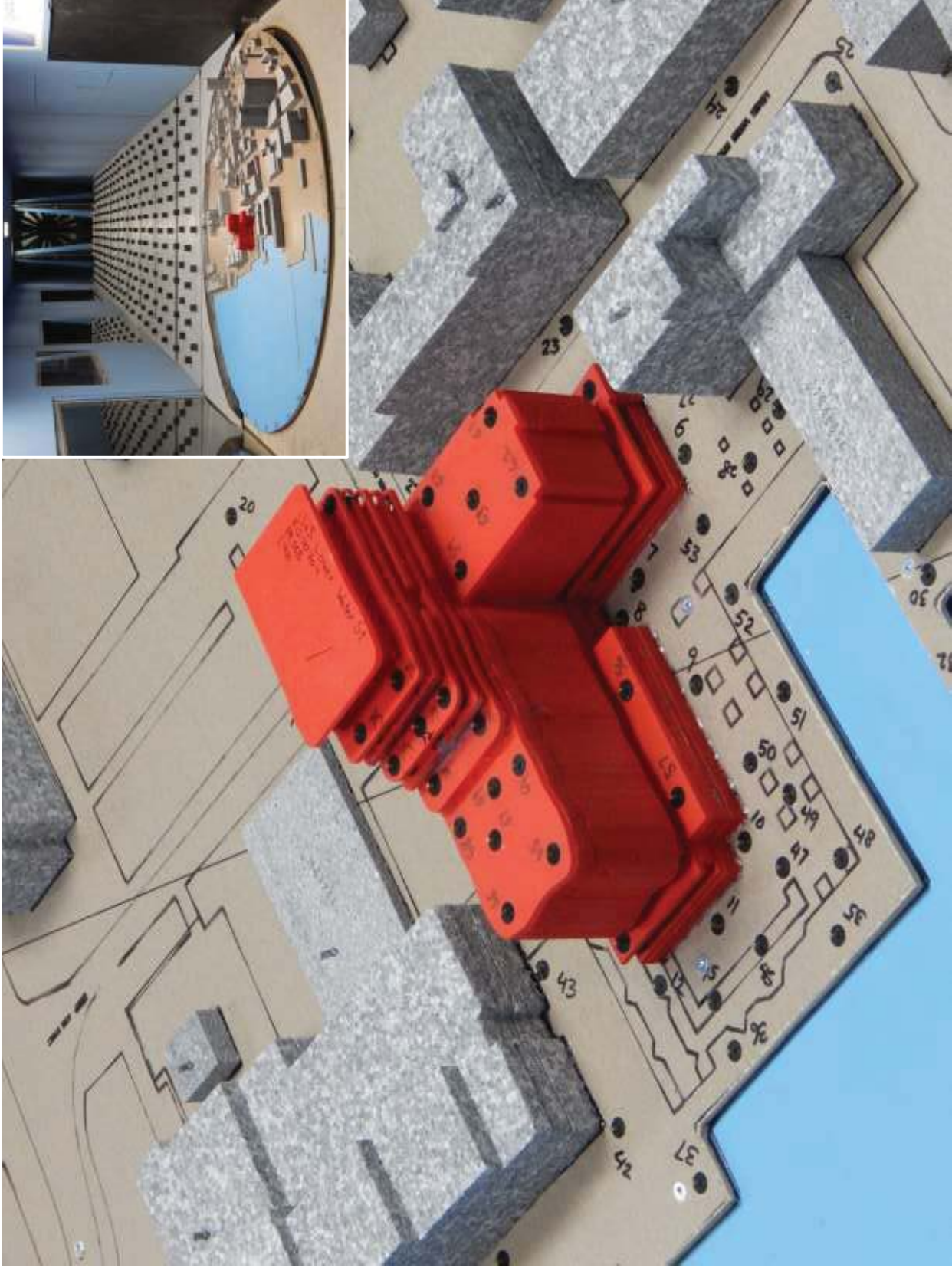
1325 Lower Water Street – Halifax, Nova Scotia

Figure No. 1a

Date: January 19, 2015

Project #1500704





**Wind Tunnel Study Model
Proposed Configuration**

1325 Lower Water Street – Halifax, Nova Scotia

Figure No. 1b

Date: January 19, 2015



Project #1500704



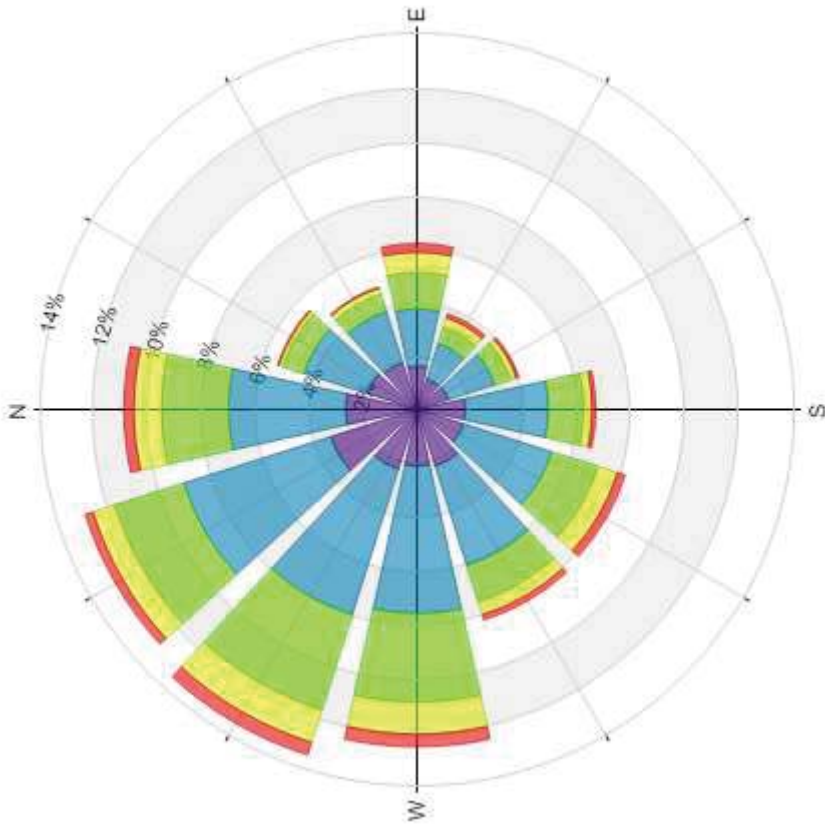
Figure No. 2

Date: January 19, 2015

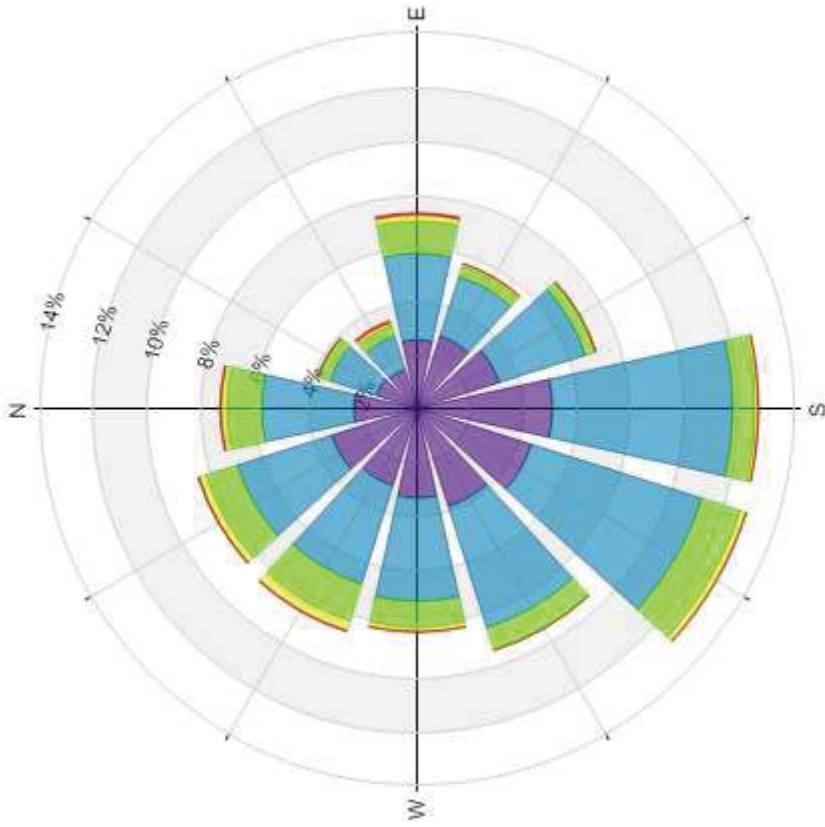
Project #1500704

Directional Distribution (%) of Winds (Blowing From) Shearwater Airport (1984 - 2014)

1325 Lower Water Street – Halifax, Nova Scotia

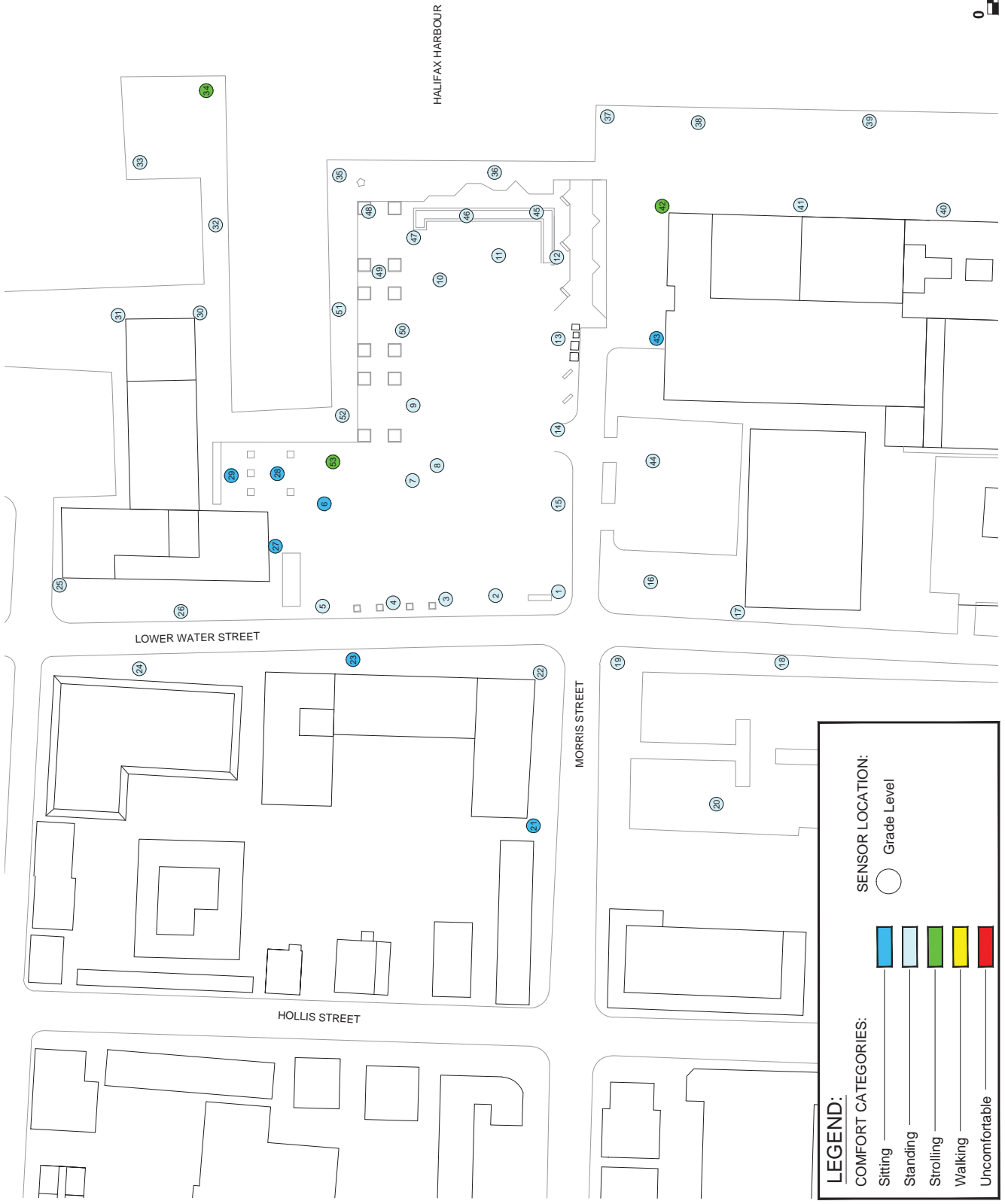


Winter
(November - April)



Summer
(May - October)

Wind Speed (km/h)	Probability (%)	
	Summer	Winter
Calm	4.9	3.1
1-10	37.0	24.0
11-20	44.9	41.5
21-30	10.7	20.7
31-40	2.0	7.7
>40	0.4	2.9



True North

Drawn by: ARM

Figure: 3a

Date Revised: Jan. 19, 2015

Approx. Scale: 1:1500

Project #1500704

Pedestrian Wind Comfort Conditions - Existing
 Summer (May to October, 6:00 to 23:00)

1325 Lower Water Street - Halifax, Nova Scotia

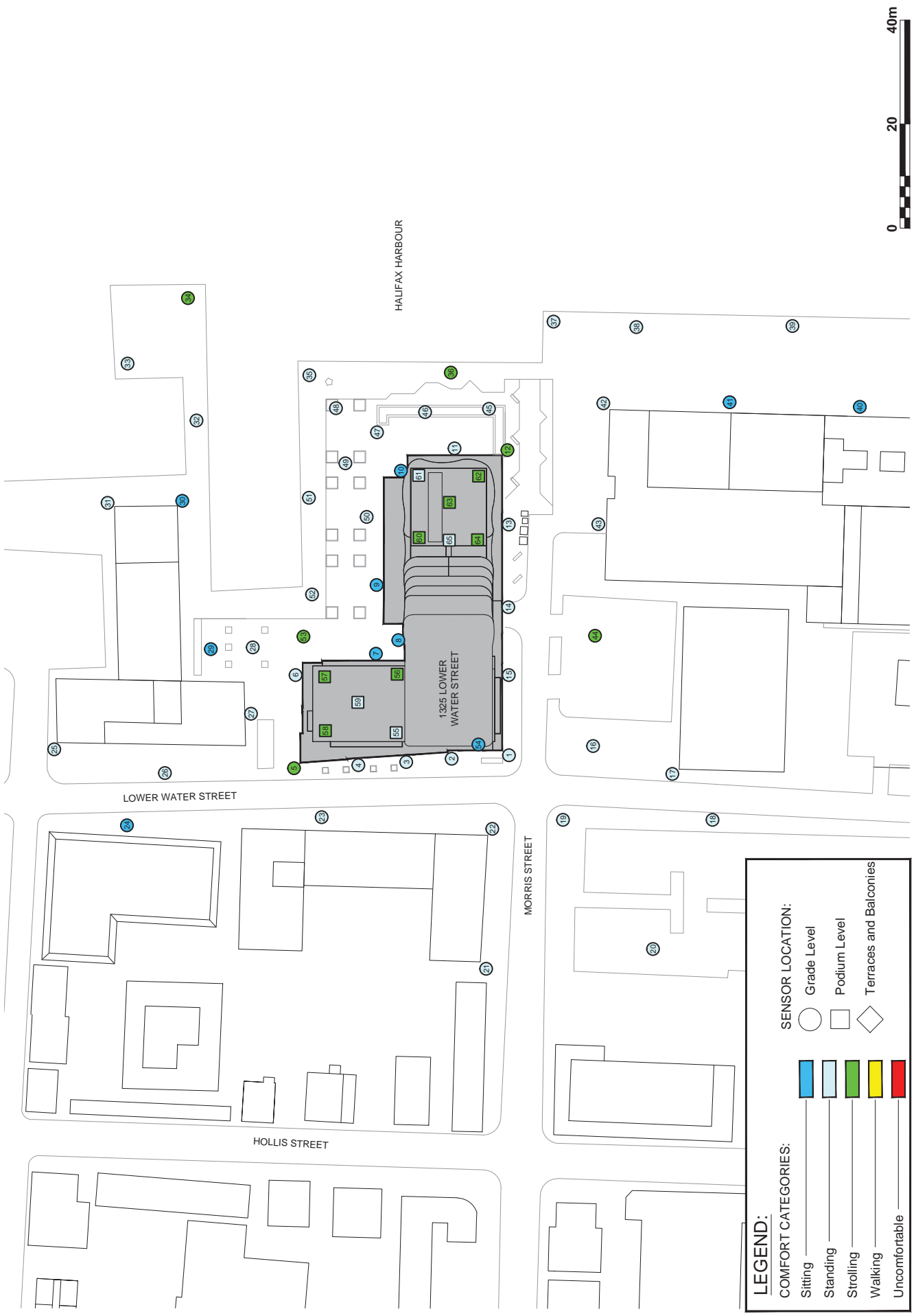
LEGEND:

COMFORT CATEGORIES:

- Sitting
- Standing
- Strolling
- Walking
- Uncomfortable

SENSOR LOCATION:

- Grade Level



Drawn by: ARM Figure: 3b
 Approx. Scale: 1:1500
 Date Revised: Jan 21, 2015

True North
 Project #1500704

Pedestrian Wind Comfort Conditions - Proposed
 Summer (May to October, 6:00 to 23:00)

1325 Lower Water Street - Halifax, Nova Scotia

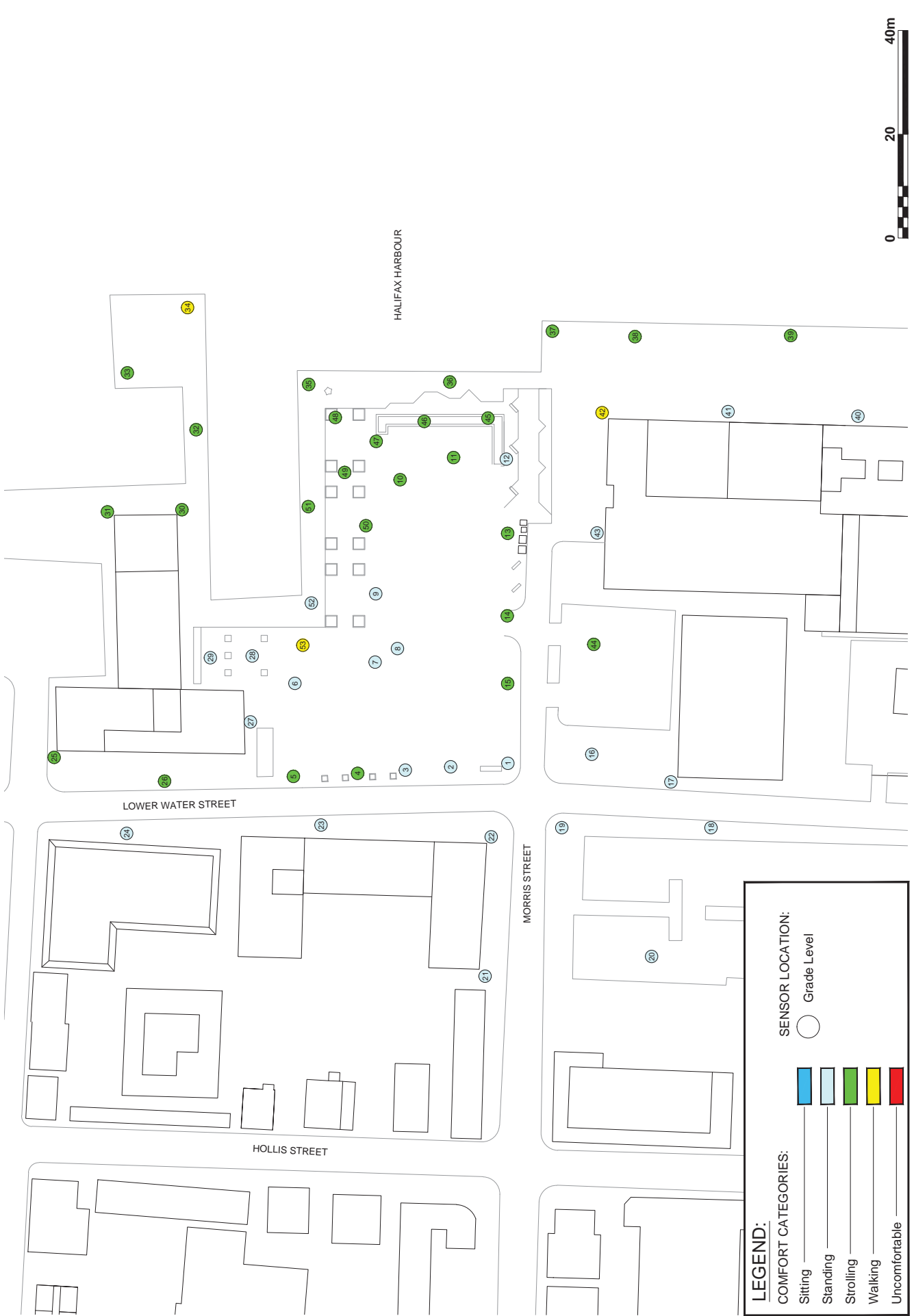
LEGEND:

COMFORT CATEGORIES:

- Sitting
- Standing
- Strolling
- Walking
- Uncomfortable

SENSOR LOCATION:

- Grade Level
- Podium Level
- Terraces and Balconies



Pedestrian Wind Comfort Conditions - Existing
 Winter (November to April, 6:00 to 23:00)

1325 Lower Water Street - Halifax, Nova Scotia

Project #1500704

True North

Drawn by: ARM	Figure: 4a		
Approx. Scale: 1:1500			
Date Revised: Jan. 19, 2015			





Drawn by: ARM Figure: 4b
 Approx. Scale: 1:1500
 Date Revised: Jan 21, 2015






True North 
 Project #1500704

Pedestrian Wind Comfort Conditions - Proposed
 Winter (November to April, 6:00 to 23:00)




1325 Lower Water Street - Halifax, Nova Scotia

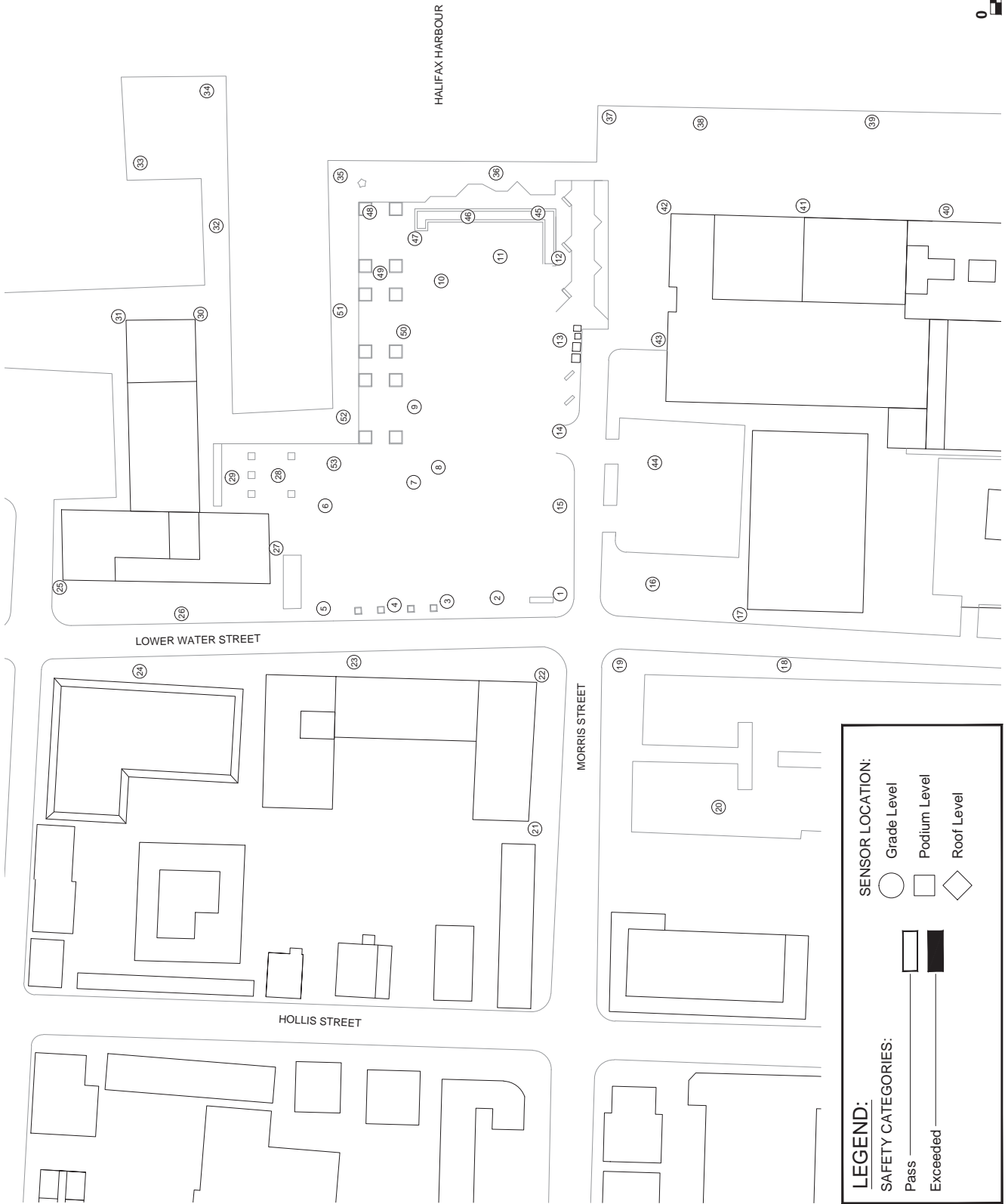
LEGEND:

COMFORT CATEGORIES:

- Sitting 
- Standing 
- Strolling 
- Walking 
- Uncomfortable 

SENSOR LOCATION:

- Grade Level 
- Podium Level 
- Terraces and Balconies 



Drawn by: ARM Figure: 5a
 Approx. Scale: 1:1500
 Date Revised: Jan. 19, 2015



True North 
 Project #1500704


Pedestrian Wind Safety Conditions - Existing
 Annual (January to December, 0:00 to 23:00)

1325 Lower Water Street - Halifax, Nova Scotia


LEGEND:


SAFETY CATEGORIES:


Pass  

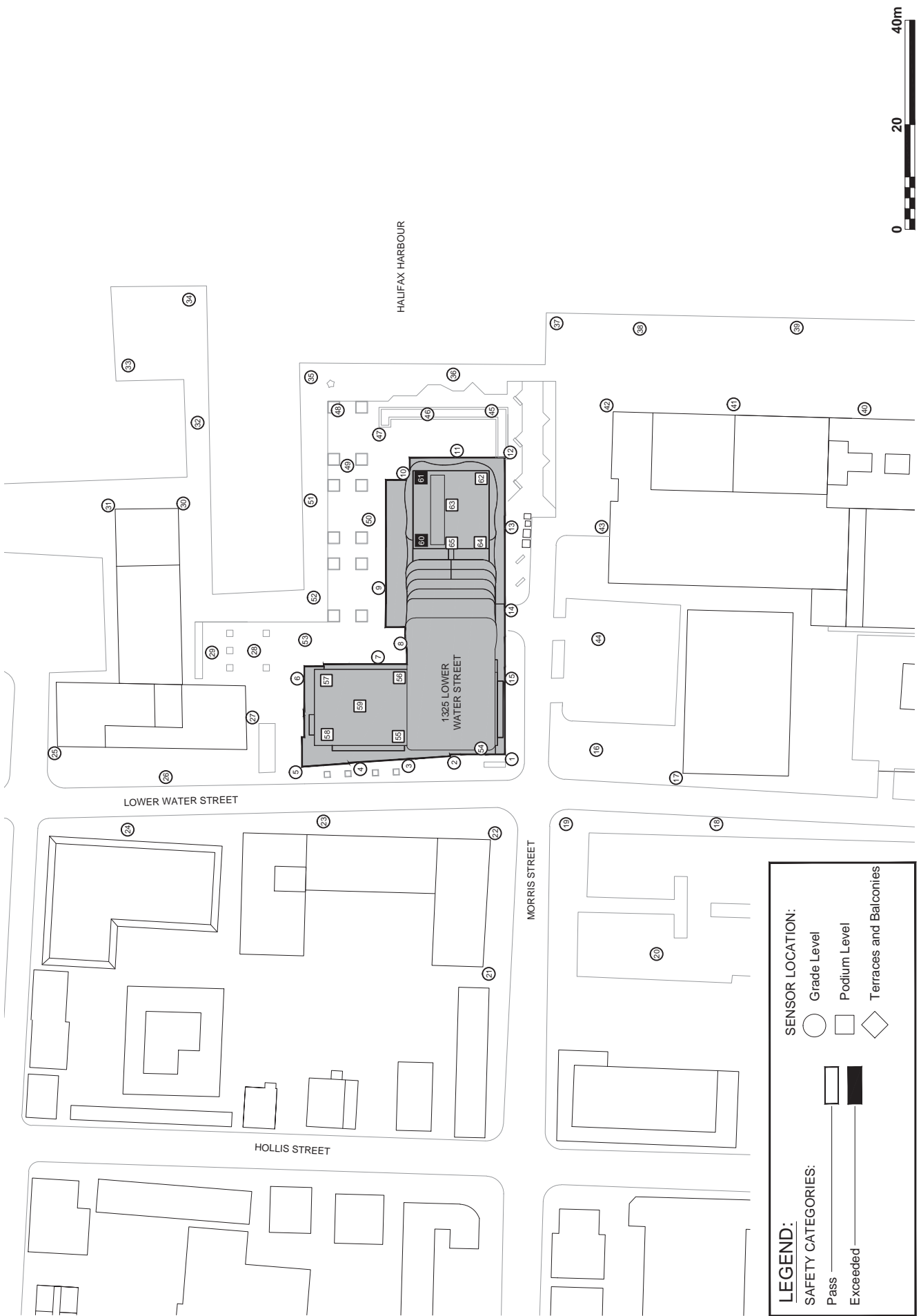
Exceeded 

SENSOR LOCATION:

Grade Level 

Podium Level 

Roof Level 



Drawn by: ARM Figure: 5b
 Approx. Scale: 1:1500
 Date Revised: Jan 21, 2015

True North
 Project #1500704

Pedestrian Wind Safety Conditions - Proposed
 Annual (January to December, 0:00 to 23:00)

1325 Lower Water Street - Halifax, Nova Scotia

LEGEND:

SAFETY CATEGORIES:

Pass

Exceeded

SENSOR LOCATION:

○ Grade Level

◻ Podium Level

◊ Terraces and Balconies

APPENDIX A

APPENDIX A: DRAWING LIST FOR MODEL CONSTRUCTION

The drawings and information listed below were received from Southwest Properties Limited and were used to construct the scale model of the proposed 1325 Lower Water Street. Should there be any design changes that deviate from this list of drawings, the results may change. Therefore, if changes in the design area made, it is recommended that RWDI be contacted and requested to review their potential effects on the pedestrian wind conditions presented in this report.

File Name	File Type	Date Received (dd/mm/yyyy)
01-aerial view over water	JPEG image	15/12/2014
02-water view 1	JPEG image	15/12/2014
03-water view 2	JPEG image	15/12/2014
04-aerial view over lower water	JPEG image	15/12/2014
05-view along lower water 2	JPEG image	15/12/2014
06-view along lower water	JPEG image	15/12/2014
07-view at retail	JPEG image	15/12/2014
1 Lower Ground Floor-Morris	AutoCAD drawing	18/12/2014
2 Upper Ground Floor-lower Water Street - Standard	AutoCAD drawing	18/12/2014
3 FLOOR - Standard	AutoCAD drawing	18/12/2014
4,6,8,10 FLOOR - Standard	AutoCAD drawing	18/12/2014
5,7,9FLOOR - Standard	AutoCAD drawing	18/12/2014
11 FLOOR - Standard	AutoCAD drawing	18/12/2014
12 FLOOR - Standard	AutoCAD drawing	18/12/2014
13 FLOOR - Standard	AutoCAD drawing	18/12/2014
14 FLOOR - Standard	AutoCAD drawing	18/12/2014
15 FLOOR - Standard	AutoCAD drawing	18/12/2014

The background of the page features a large, light beige circular shape on the right side, partially overlapping a dark blue triangular shape on the left. The text 'APPENDIX B' is centered within the beige area.

APPENDIX B



600 Southgate Drive
Guelph, ON N1G 4P6
Canada

Tel: +1.519.823.1311
Fax: +1.519.823.1316

January 27, 2020

Louann Scallion-Morine, PMP

Planning Analyst

Southwest Properties Limited

1475 Lower Water Street, Suite 100

Halifax, Nova Scotia B3J 3Z2

louann.morine@southwest.ca

**Re: Pedestrian Wind Comfort Assessment
Cunard – 1325 Lower Water Street – Halifax, NS
RWDI Reference # 1500704**

Dear Louann,

As per your request, Rowan Williams Davies & Irwin Inc. (RWDI) has prepared this letter to comment on the potential wind effects that may be caused by recent design revisions to the proposed Cunard Development at 1325 Lower Water Street in Halifax, NS. RWDI conducted a wind tunnel test in 2015 for the previous Cunard Development design and our findings on wind conditions were summarized in the following report:

Pedestrian Wind Consultation Wind Tunnel Tests – 1325 Lower Water Street – Halifax, Nova Scotia, RWDI Project # 1500704, January 23, 2015, by Nishat Nourin, Dan Bacon and Hanqing Wu.

Wind Tunnel Results

The 2015 wind tunnel testing was conducted for the existing and proposed configurations to evaluate the impact of the proposed development (Image 1). It was concluded that suitable wind comfort conditions were predicted on and around the proposed development at the grade level. Overall, the grade level pedestrian wind comfort conditions for the proposed development and around the site were found to be similar to those for the existing configuration. However, higher-than-desired wind activity was predicted at the terraces at Levels 11 and 12, including wind safety exceedances at two locations along the north edge of the terrace at Level 12. Conceptual mitigation measures were described in the 2015 report (Appendix A).



Image 1a: Wind tunnel model of the existing site and surroundings in 2015

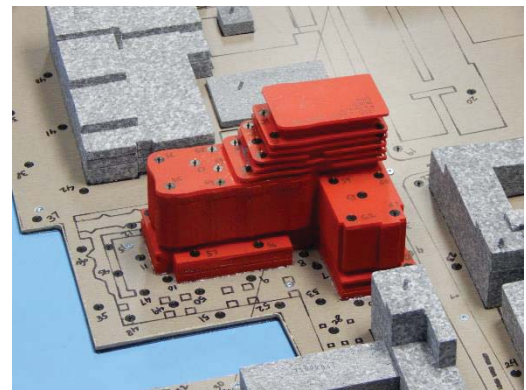


Image 1b: Proposed development and surroundings in 2015

Comparison of the 2015 and Current Designs

Based on the revised building design drawings received by RWDI on October 29, 2018, the building design used in the 2015 wind tunnel testing and the current design of the Cunard Development have a similar massing and floor plans, as shown in Image 2. These two designs have the same building height, the same L-shaped floor plans with similar dimensions and similar tower setbacks at various floors.

There are some minor changes in the current design that will not create any negative wind impacts. For example at Level 1, the lobby entrance on the north façade is still located at the recessed inner corner, but with a narrower passageway; there are a few more retail entrances along the north and east façades; and the northeast building corner is now “double notched” in the current design, instead of one in the 2015 design (see two upper plans in Images 2a and 2b). At Level 2, the west façade along Lower Water Street is continuously recessed for the south portion, where the main residential lobby and office entrance are located (mid plan in Image 2b).

The recently revised design shows guardrails along the perimeters of all above-ground terraces. They were not included in our wind tunnel model in 2015 (Image 1b), and would improve the predicted wind conditions in these areas.

As a result of the similar building massing, the wind tunnel results and recommendations provided in our 2015 report remain valid for the current design. Suitable wind conditions at the ground level areas are predicted and wind mitigation will be required for the terraces at Levels 11 and 12. Based on the floor plans received on January 22, 2020, the Level 11 outdoor amenity area would include trellises, stand-alone canopies and landscaping elements. These are positive design features which would improve the overall wind comfort

conditions. If these features are implemented, the resultant wind speeds are expected to be suitable for the intended use during the summer at Level 11 terrace. The latest floor plan for Level 12 also indicates that canopies and tall, porous railings will be included at this terrace. These features are favorable for wind control and would improve the wind speeds predicted during the wind tunnel test. It should be noted that the railings should be at least 2m tall and within 20-40% porosity to be effective.

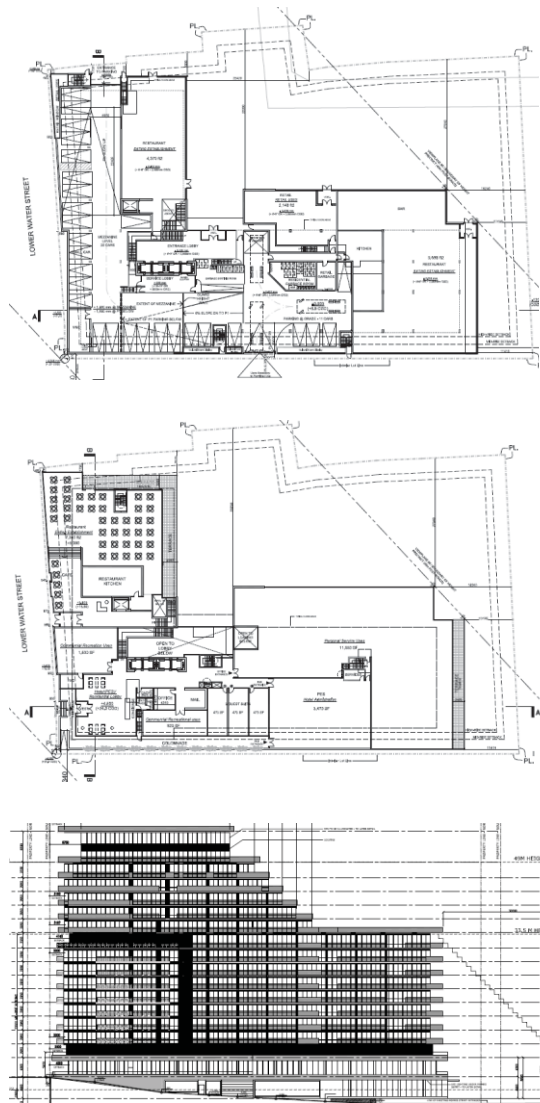


Image 2a: Floor plans at Levels 1 and 2 and south elevation for the 2015 wind tunnel testing

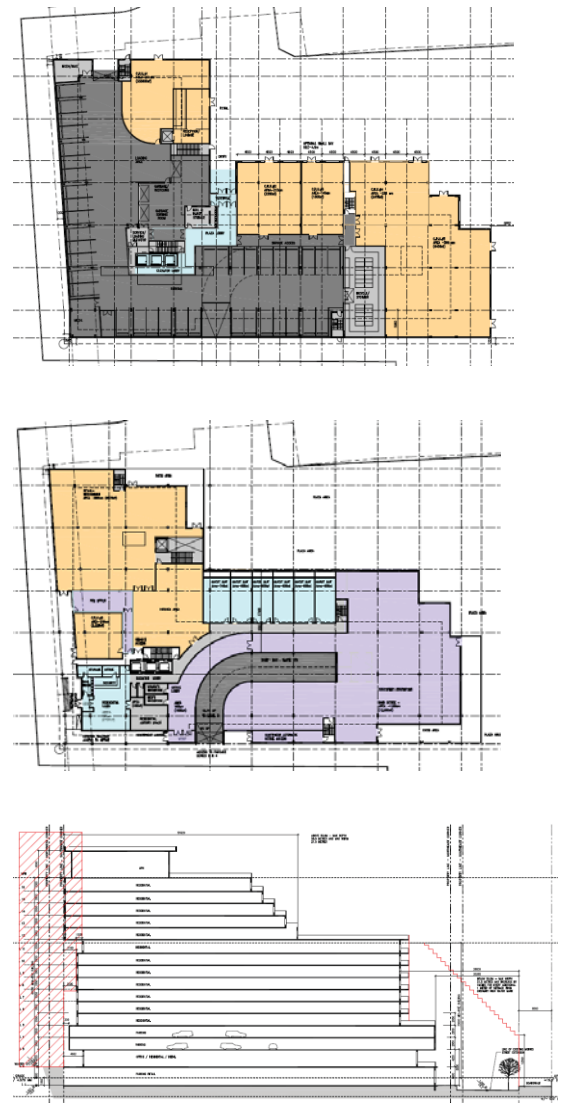


Image 2b: Revised floor plans at Levels 1 and 2 and east-west section in 2018



Summary

The potential wind conditions around the revised design of the Cunard Development are discussed in the letter, based on the current building design received by RWDI on October 29, 2018 and January 22, 2020 and our wind tunnel testing for the same development in 2015.

It is our opinion that the revised design has a building massing and geometry similar to that tested in the wind tunnel in 2015 and, as a result, our previous wind tunnel results and recommendations remain valid. Overall, suitable wind conditions are predicted for pedestrian areas at grade for both the summer and winter seasons. Terraces at Levels 11 and 12 are exposed to higher wind speeds and wind mitigation is required if passive activities are planned for these areas.

We trust this satisfies your current requirements. Should you have any questions or require additional information, please do not hesitate to contact us.

Yours truly,

RWDI

Original Signed

Hanqing Wu, Ph.D., P.Eng.
Senior Technical Director/ Principal

Original Signed

Dan Bacon
Principal / Senior Project Manager

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
2	Downtown Precinct Guidelines (refer to Map 2 for Precinct Boundaries)			
2.1	Precinct One: Southern Waterfront			
2.1a	Fill existing gaps created by vacant properties and parking lots with new development.	✓		
2.1b	Create a system of open space that includes: <ul style="list-style-type: none"> • extensions of east-west streets between Lower Water Street and the Harbour as key components of an open space network; • the boardwalk; • sidewalks along Lower Water Street, and; • plazas and small parks where the extensions of the east-west streets intersect the boardwalk. 	✓		
2.1c	Tall and slender towers provided that their placement and design are consistent with the objectives identified for this precinct and with the design guidelines.	No	Towers are not slender. The building massing is very 'blocky' with the towers exceeding the maximum depth dimensions (10 (7), 11 1(e) and (f) in the LUB. Creating tall, slender towers is one of the key elements of the design manual.	
2.1d	Ensure that development along Lower Water Street has streetwall and landscaping conditions that emphasize its meandering qualities and emergence as an important street. Encourage measures such as sound-proofing requirements for new development to reduce the conflict created by truck traffic traveling along Lower Water Street.	✓		
2.1e	Permit surface parking lots only when they are an accessory use and are in compliance with the Land Use By-Law and design guidelines.			✓
2.1f	New waterfront development shall adhere to section 2.10 of the Design Manual.		Refer to 2.10	
2.10	Downtown Halifax Waterfront <i>This section applies to waterfront lands in precincts 1 and 4 that lie between Lower Water Street and the Harbour, in addition to the requirements of precincts 1 and 4 above.</i>			
2.10a	Ensure that public access to the waterfront is maintained and improved, and that the waterfront is in use around the clock in all four seasons.	✓	Proposal includes access to the waterfront and the open space plan is	

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
			being developed by Develop Nova Scotia.	
2.10b	Ensure that a generally complete and consistent streetwall is built along Lower Water Street that permits visual and physical access to the harbour along the eastward extension of the east-west streets to the water's edge, and at intermediate locations as deemed appropriate.	partial	The streetwall is complete and consistent, but it does not provide visual or physical access from the east to the water.	
2.10c	Ensure that views of the harbour and of the sky are preserved by requiring that the upper storeys of buildings above the streetwall present a slender face to Lower Water Street, and that their long dimension is arranged perpendicular to Lower Water Street.	✓	Tower is oriented in this manner	
2.10d	Ensure that the waterfront boardwalk is maintained, extended and improved, and that the public enjoyment of the boardwalk is not negatively impacted by abutting development.	✓		
2.10e	Ensure that public open spaces are provided where the eastward extension of east-west streets intersects the boardwalk. These open spaces shall be accomplished through the use of waterfront view corridors that extend from Lower Water Street to the water's edge.	partial	<p>The L shape of the building prevents visual and physical access from Lower Water Street to the waterfront as the building is massed out to the property boundaries along Lower Water Street.</p> <p>A boardwalk is proposed at the end of the eastward extension of the street. There is a waterfront view corridor that runs along Morris St which will be used for driveway access.</p>	
2.10f	Ensure that waterfront development incorporates human-scaled building elements. This means a range of building details from small (masonry units, door knobs, window mountings, etc.) to medium (doors, windows, awnings, balconies, railings, signs, etc.) to large (expression of floor lines, expression of structural bays, cornice lines, etc.).	✓	Development around the waters edge includes human scaled elements.	
2.10g	Ensure that adequate consideration of future sea level rise has been incorporated into building design to avoid		Residential uses are located above grade.	✓

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
	flooding, where ground floor residential uses are proposed.			
2.10h	Ensure that all buildings are setback from the ordinary high water mark or face of Seawall by no less than 8 metres.	✓		
2.10i	Ensure building height immediately adjacent to the 8 metre setback shall not be higher than 12.5 metres. Height may increase as distance from the boardwalk or the water's edge increases at a rate of approximately one metre of vertical height for every one metre of horizontal setback from the boardwalk or water's edge.		<p>The longer portion of the building that runs parallel to the northern section of the OHWM has a maximum height of 12.5 m + the additional setback, which is 21.2 m for a total permitted height of 31.37 m. The section of the building that is perpendicular to the northern section of the OHWM has a railing that is 60 cm taller than the permitted 31.37 m (12.5 m+ additional setback of 18.87 m). The north-east face of the building on levels 12, 13, 14, 15 and 16 are within the 30 m and over the 33.7m of the maximum height, up to a maximum height of approximately 50 m at the 16th level. Additionally, a portion of the railings on the mid-rise portion of the building at the north-east are above the maximum height.</p>	
2.10j	Ensure that every effort is made to provide north south pedestrian connections through the middle of these large properties.	✓		
2.10k	Ensure that long, unbroken runs of building wall at the water's edge or boardwalk's edge are not permitted. The longest run of building face permissible abutting either the water's edge or the boardwalk shall be 21.5 metres.	✓		

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
	Building walls longer than 21.5 metres must be modulated through the use of such devices as articulation of the building mass, significant setbacks from the water's edge or boardwalks edge, the interruption of the building wall with public spaces, etc. The general massing approach is to be one of linear finger buildings perpendicular to Lower Water Street resulting in a pattern of narrowing and widening of the public realm along the waters or Halifax Harbourwalk edge.			
2.10l	Ensure that high quality, low-maintenance site furnishings and lighting styles that conform to the requirements of the HRM Municipal Service Systems Design Guidelines (HRM Red Book) are used in both private and public developments along the waterfront.	✓		
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.		The portion of the building that faces Lower Water Street does not provide narrow retail shops. NW corner brought down to meet, but articulation is not fine grained.	
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.	✓	The building cantilevers over the ground floor space to provide weather protection.	
3.1.1e	Patios and other spill-out activity is permitted and	✓	Patios are provided	

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
	encouraged where adequate width for pedestrian passage is maintained.		along those portions of the building facing the waterfront.	
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)			
3.1.2b	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.	✓		
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.		The building is articulated horizontally but not vertically, and the building design does not include fine grained elements. Design cues should be pulled from buildings in the area which do provide a fine grained building articulation at the street level, and this rhythm should be continued along the street frontage of this proposal.	

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
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 setbacks.	✓		
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.	✓	Materials appear to be high quality.	
3.2.1f	Streetwalls should have many windows and doors to provide eyes on the street and a sense of animation and engagement.	partial	Windows and the level of transparency is good in sections, but there is a large stretch of the proposed frontage that still feels inactive and without windows. The additional doorway provided at Lower Water Street level helped to improve this, but there is still a large section that is not well animated.	
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.	partial	Major grade change from the south corner to the north corner of the building along the Lower Water Street frontage. Entry points are proposed near the corners of the building that have been designed with large windows around the doorways. Planters have been proposed along the Lower Water Street frontage to reduce the impact of the grade change and	

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
			to break up the space. Staff have concerns that significant sections of this elevation have not been animated and that the planters are insufficient to break up the blank wall.	
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	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.			✓
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.	✓	This site is not a mandatory retail frontage. However, the building design includes canopy over the Lower Water St frontage	
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.	✓		

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
3.2.3e	Avoid deep columns or large building projections that 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			
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.			✓
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.	✓		
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.	✓	The residential portion of the building will be accessed via a lobby.	
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.	✓		
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.			✓
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.	✓	The exterior walls will be designed to provide acoustic separation as required. Dwelling units on level 2 have outdoor patio and will	

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
			have triple-glazed windows and extra insulation to mitigate unwanted sound transmission.	
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.	partial	The restaurant portion of the building is separated from grade. Entryway was provided at street level to activate that section of street level, but large sections of frontage still remains inactive. Active art installation proposed to respond to this, but no detailed information provided as to what this will be.	
3.2.5b	Provide a high quality architectural expression along facades. Consider additional detailing, ornamentation or public art to enhance the experience.	✓		
3.2.5c	Provide windows, doors and other design articulation along facades; blank walls are not permitted.	partial	There is a significant change in grade from the southern corner to the northern corner along the Lower Water Street frontage. Doorways and planters are introduced to this section of the building elevation to reduce the impact of the grade change and to break up the space, but large sections of the frontage remain unactivated.	
3.2.5d	Articulate the façade to express internal floor or ceiling lines; blank walls are not permitted.	✓		
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.			✓

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	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.	✓		
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.	✓		
3.2.7	Other Uses			
3.2.7a	Non-commercial uses at-grade should animate the street with frequent entries and windows.	✓		
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. 	✓	<p>The base and middle of the building are well distinguished from one another.</p> <p>The base is well defined and distinguished from the middle of the building.</p> <p>Architectural high quality lighting along the roof feature will also be added along the top of the building to further contribute to the skyline.</p>	
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.		The building does not respond to the existing context and fine grained character of downtown. The buildings downtown are smaller scale and provide more articulation at the street level with narrow retail frontages at the street edge.	

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
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 projections, datum lines, and changes in material, texture or colour.		<p>The building does not have vertical articulation, and the midrise section of the building is visually monotonous and bulky.</p> <p>The banding provided around the podium does help define the lower portion of the building and provide vertical articulation, however this articulation is not carried forward through the upper portions of the building.</p>	
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.	✓	All sides of the building have a consistent 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.	✓		

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
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, verandas, porches, railings and other similar architectural embellishments, except that this guideline shall not apply to seasonal sidewalk cafes.	✓		
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 pre-eminently 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.	✓		

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
	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 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			
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.			✓
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.	✓	Identified on Map 1 of the Design Manual.	
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.	✓		
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	✓		

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
	access portals and garages.			
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.	✓	Waste area in parking area.	
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.	✓		
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.	✓		
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.	✓		
3.5.4	Lighting (to be reviewed at permit stage)			
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 (to be reviewed at permit stage)			
3.5.5a	Integrate signs into the design of building facades by placing them within architectural bay, friezes or datum			✓

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
	lines, including coordinated proportion, materials and colour.			
3.5.5b	Signs should not obscure windows, cornices or other architectural elements.			✓
3.5.5c	Sign scale should reinforce the pedestrian scale of the downtown, through location at or near grade level for viewing from sidewalks.			✓
3.5.5d	Large freestanding signs (such as pylons), signs on top of rooftops, and large scale advertising (such as billboards) are prohibited.			✓
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.			✓
3.5.5f	Street addressing shall be clearly visible for every building.			✓
3.5.5g	The material used in signage shall be durable and of high quality and should relate to the materials and design language of the building.			✓
3.6	Site Plan Variance			
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	✓		
3.6.2b	the modification does not negatively impact abutting uses by providing insufficient separation.	✓		
3.6.6	Upper Storey Side Yard Stepback Variance			
3.6.6a	the upper storey side yard stepback is consistent with the objectives and guidelines of the Design Manual; and	✓		
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		The maximum permitted height of a midrise portion of a building is 33.5m and the building is 30.67m at this section equal to 2.83m of difference. The setback is 0.9m too close, which is less than the 2.83 m, making it proportional to the height reduction.	

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
			The variance request for balconies do not meet these requirements.	
3.6.6c	a reduction in setback results in the concealment of an existing blank wall with a new, well designed structure.		The variance request for balconies do not meet this requirement.	
3.6.7	Maximum Tower Width Variance			
3.6.7a	the maximum tower width is consistent with the objectives and guidelines of the Design Manual; and		The Design Manual emphasises the importance of having slender towers—the terraced form of this proposal is not in keeping with the desired form as stated in the Design Manual.	
3.6.7b	the modification results in a clear public benefit such as the remediation of an existing blank building wall; or		<p>Applicant has proposed the following as public benefit</p> <ul style="list-style-type: none"> • Improved view lines of the residents of the building • Reduced shadowing on the walkway • The shape of the building. <p>The views of the residents are not a public benefit, but a private benefit for the individuals who reside in the building. The public plaza/ walkway is in shadow most of the day. The Design Manual states that the desired shape of buildings in the downtown is slender towers, not wide terraced buildings.</p>	

Attachment D – Design Manual Checklist – Case 22708

Section	Guideline	Complies	Discussion	N/A
3.6.8	Maximum Height Variance			
3.6.8a	the maximum height is consistent with the objectives and guidelines of the Design Manual; and	✓	The criteria is met for Variance 1 but variance 6 does not have any information provided	
3.6.8b	the additional building height is for rooftop architectural features and the additional height does not result in an increase in gross floor area;	✓	The proposal includes rooftop mechanical, but it has been designed in such a way as to be screened and provide an architectural feature.	
3.6.8c	the maximum building height is less than 1.5 metres below the View Plane or Rampart height requirements;			✓
3.6.8d	where a landmark building element is provided pursuant to the Design Manual; or			✓
3.6.8e	where the additional height is shown to enable the adaptive re-use of heritage buildings.			✓
3.6.10	Precinct 1 Built Form Variance			
3.6.10a	fill existing gaps created by vacant properties or parking lots with new development; or	✓		
3.6.10b	enhance the public realm in the area, including the extension of the east-west streets between Lower Water Street and the harbour and their intersection with the Halifax Harbour Walk, the pedestrian interface of the proposed building and the Halifax Harbour Walk, provide or improve sidewalks along Lower Water Street, or provide for public or private plazas or parks; or			
3.6.10c	frame the open spaces identified above; or			
3.6.10d	provide adequate separation between buildings; or			
3.6.10e	propose tall and slender towers, where permitted, provided that their placement and design are consistent with the objectives identified for this precinct and with the Design Manual; or			
3.6.10f	ensure Lower Water Street has streetwall and landscaping conditions that emphasize its meandering qualities and emergence as an important street.			



April 12, 2019

Jennifer Chapman
Planner III
Planning
HRM
PO Box 1749
Halifax, NS
B3J 3A5

Dear Jennifer:

Re: Case #22129 – Cunard pre-application for substantive site plan approval for mixed-use building with a 16-storey residential tower at 1325 Lower Water Street, Halifax

We are proposing to construct the Cunard Block project to the post-bonus height of 49 metres. This represents an additional gross area of 2,937 m² when compared to the pre-bonus height of 39 metres.

The *Downtown Halifax Land Use By-Law* references a required public benefit for each 0.1 m² of gross floor area. For this project, the amount would equate to \$138,039.00. We are proposing approval under section 12 (7) (i) – the provision of exemplary sustainable building practices. We will seek LEED Gold certification for this project, with credits for both durable building envelope and advanced commissioning, measurement and verification.

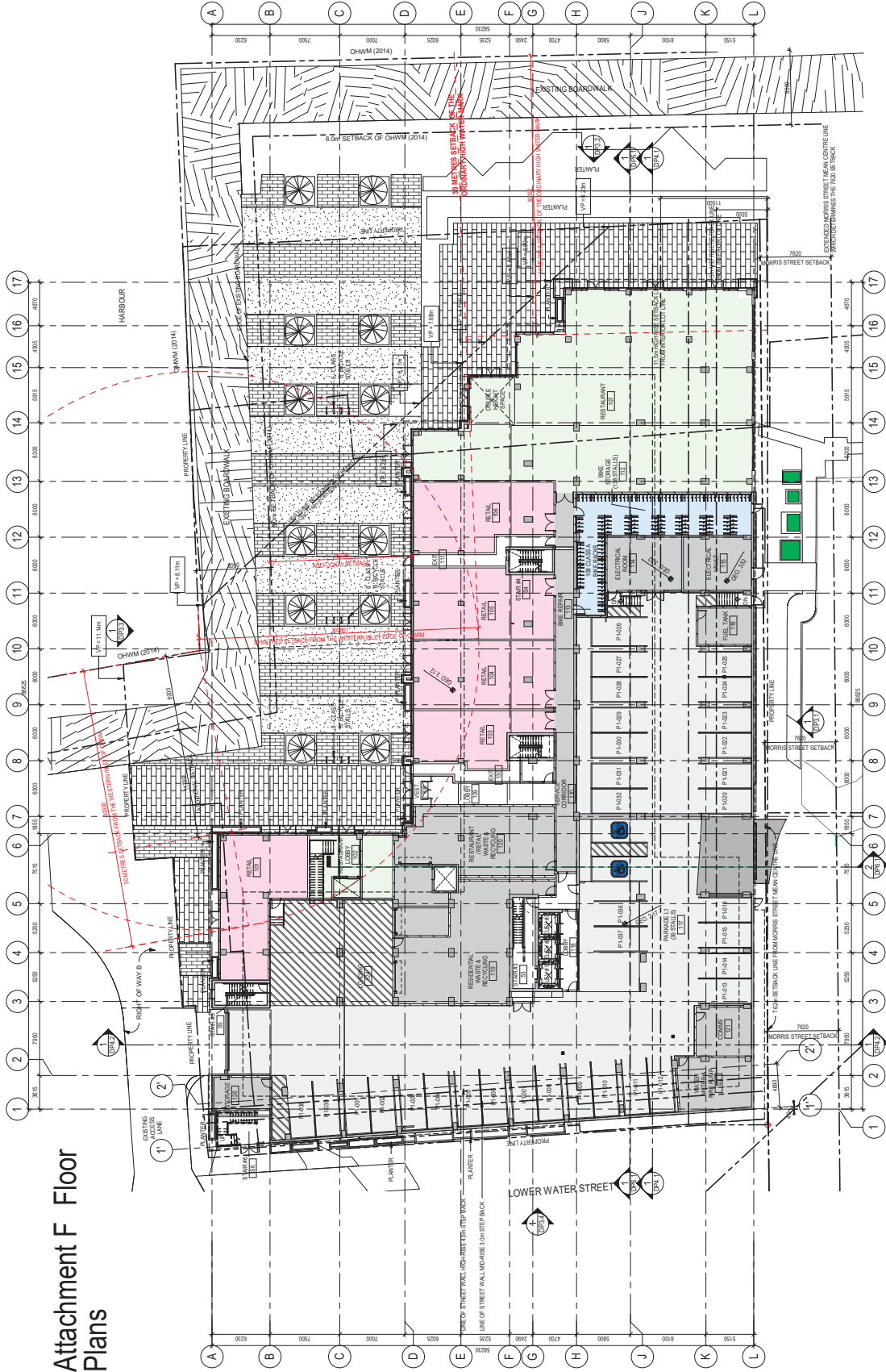
For your reference, consulting costs associating with this certification alone will exceed \$138,039.00, before any consideration is given to the capital investments required to achieve the referenced certification.

Sincerely,

Original Signed

Eric Burchill
Vice President – Planning & Development

Attachment F Floor Plans



- Program Use**
- AMENITY
 - RESTAURANT
 - RETAIL
 - SERVICE
 - PARKADE
 - CIRCULATION

LEVEL 1
SCALE 1:200



300, 640 - 8 Avenue S.W.
Calgary, AB T2P 1G7
T +1 403 233 2525

000

00000000

This document is the property of Zeidler Associates Inc. It is to be used only for the project and site specified herein. No part of this document may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Zeidler Associates Inc.



NO.	DATE	DESCRIPTION
1	2013.07.15	ISSUED FOR PERMIT REVIEW
2	2013.07.15	ISSUED FOR PERMIT REVIEW
3	2013.07.15	ISSUED FOR PERMIT REVIEW
4	2013.07.15	ISSUED FOR PERMIT REVIEW
5	2013.07.15	ISSUED FOR PERMIT REVIEW
6	2013.07.15	ISSUED FOR PERMIT REVIEW
7	2013.07.15	ISSUED FOR PERMIT REVIEW
8	2013.07.15	ISSUED FOR PERMIT REVIEW
9	2013.07.15	ISSUED FOR PERMIT REVIEW
10	2013.07.15	ISSUED FOR PERMIT REVIEW
11	2013.07.15	ISSUED FOR PERMIT REVIEW
12	2013.07.15	ISSUED FOR PERMIT REVIEW
13	2013.07.15	ISSUED FOR PERMIT REVIEW
14	2013.07.15	ISSUED FOR PERMIT REVIEW
15	2013.07.15	ISSUED FOR PERMIT REVIEW
16	2013.07.15	ISSUED FOR PERMIT REVIEW
17	2013.07.15	ISSUED FOR PERMIT REVIEW
18	2013.07.15	ISSUED FOR PERMIT REVIEW

SOUTHWEST PROPERTIES
100, 1475 LOWER WATER STREET
HALIFAX, NOVA SCOTIA B3J 3Z2

CUNARD

1325 LOWER WATER STREET
HALIFAX, NOVA SCOTIA B3J 2Z2

00000000

FLOOR PLAN - LEVEL 1

scale: 1:200
drawn by: Author
checked by: Checker
project no: 217-152
date issued: 13/05/2020
sheet no: 18

PROJECT NO: DP2.1

This document is the property of Zeidler Associates Inc. It is to be used only for the project and site specified herein. Any reuse or modification of this document without the written consent of Zeidler Associates Inc. is strictly prohibited. This drawing is the exclusive property of Zeidler Associates Inc. © Zeidler Associates Inc.



NO.	DATE	REVISION
1	07/27/19	ISSUED FOR PRE-APPLICATION
2	08/07/19	ISSUED FOR PRE-APPLICATION
3	08/07/19	ISSUED FOR PRE-APPLICATION
4	08/07/19	ISSUED FOR PRE-APPLICATION
5	08/07/19	ISSUED FOR PRE-APPLICATION
6	08/07/19	ISSUED FOR PRE-APPLICATION
7	08/07/19	ISSUED FOR PRE-APPLICATION
8	08/07/19	ISSUED FOR PRE-APPLICATION
9	08/07/19	ISSUED FOR PRE-APPLICATION
10	08/07/19	ISSUED FOR PRE-APPLICATION
11	08/07/19	ISSUED FOR PRE-APPLICATION
12	08/07/19	ISSUED FOR PRE-APPLICATION
13	08/07/19	ISSUED FOR PRE-APPLICATION
14	08/07/19	ISSUED FOR PRE-APPLICATION
15	08/07/19	ISSUED FOR PRE-APPLICATION
16	08/07/19	ISSUED FOR PRE-APPLICATION
17	08/07/19	ISSUED FOR PRE-APPLICATION
18	08/07/19	ISSUED FOR PRE-APPLICATION
19	08/07/19	ISSUED FOR PRE-APPLICATION
20	08/07/19	ISSUED FOR PRE-APPLICATION

PROJECT: SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

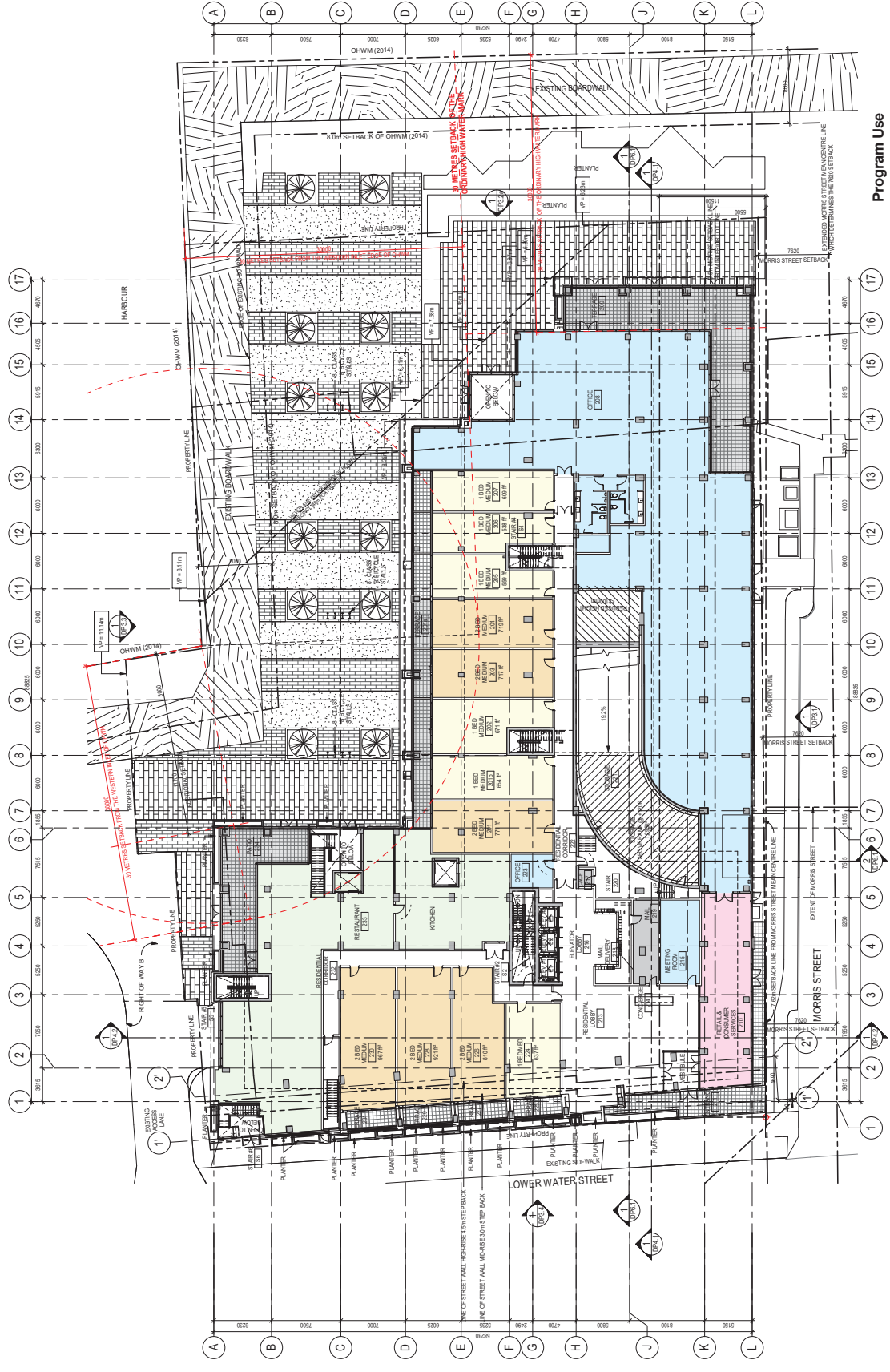
PROJECT: CUNARD

1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

Drawing title: FLOOR PLAN - LEVEL 2

scale: 1:200
 drawn by: Author
 checked by: Checker
 project no: 217-152
 date issued: 13/05/2020
 sheet no: DP2.2

16



Program Use

- OFFICE
- OUTDOOR AMENITY
- RESTAURANT
- RETAIL
- SERVICE
- CIRCULATION
- TWO BEDROOM MEDIUM
- TWO BEDROOM SMALL
- ONE BEDROOM MEDIUM

1 LEVEL 2
 DP2.2 SCALE 1:200



300, 640 - 8 Avenue S.W.
 Calgary, AB T2P 1G7
 T +1 403 233 2525

well

consultants

This document is the property of Zeidler. It is to be used only for the project and site specific purposes for which it was prepared. It is not to be used for any other project or site without the express written consent of Zeidler Architects Inc.



NO.	DATE	DESCRIPTION
1	10/17/19	ISSUED FOR PRE-APPLICATION
2	10/21/19	ISSUED FOR PRE-APPLICATION
3	10/23/19	ISSUED FOR PRE-APPLICATION
4	10/23/19	ISSUED FOR PRE-APPLICATION
5	10/23/19	ISSUED FOR PRE-APPLICATION
6	10/23/19	ISSUED FOR PRE-APPLICATION
7	10/23/19	ISSUED FOR PRE-APPLICATION
8	10/23/19	ISSUED FOR PRE-APPLICATION
9	10/23/19	ISSUED FOR PRE-APPLICATION
10	10/23/19	ISSUED FOR PRE-APPLICATION
11	10/23/19	ISSUED FOR PRE-APPLICATION
12	10/23/19	ISSUED FOR PRE-APPLICATION
13	10/23/19	ISSUED FOR PRE-APPLICATION
14	10/23/19	ISSUED FOR PRE-APPLICATION
15	10/23/19	ISSUED FOR PRE-APPLICATION
16	10/23/19	ISSUED FOR PRE-APPLICATION
17	10/23/19	ISSUED FOR PRE-APPLICATION
18	10/23/19	ISSUED FOR PRE-APPLICATION

sheet

SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

PROJECT

CUNARD

1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

drawing title

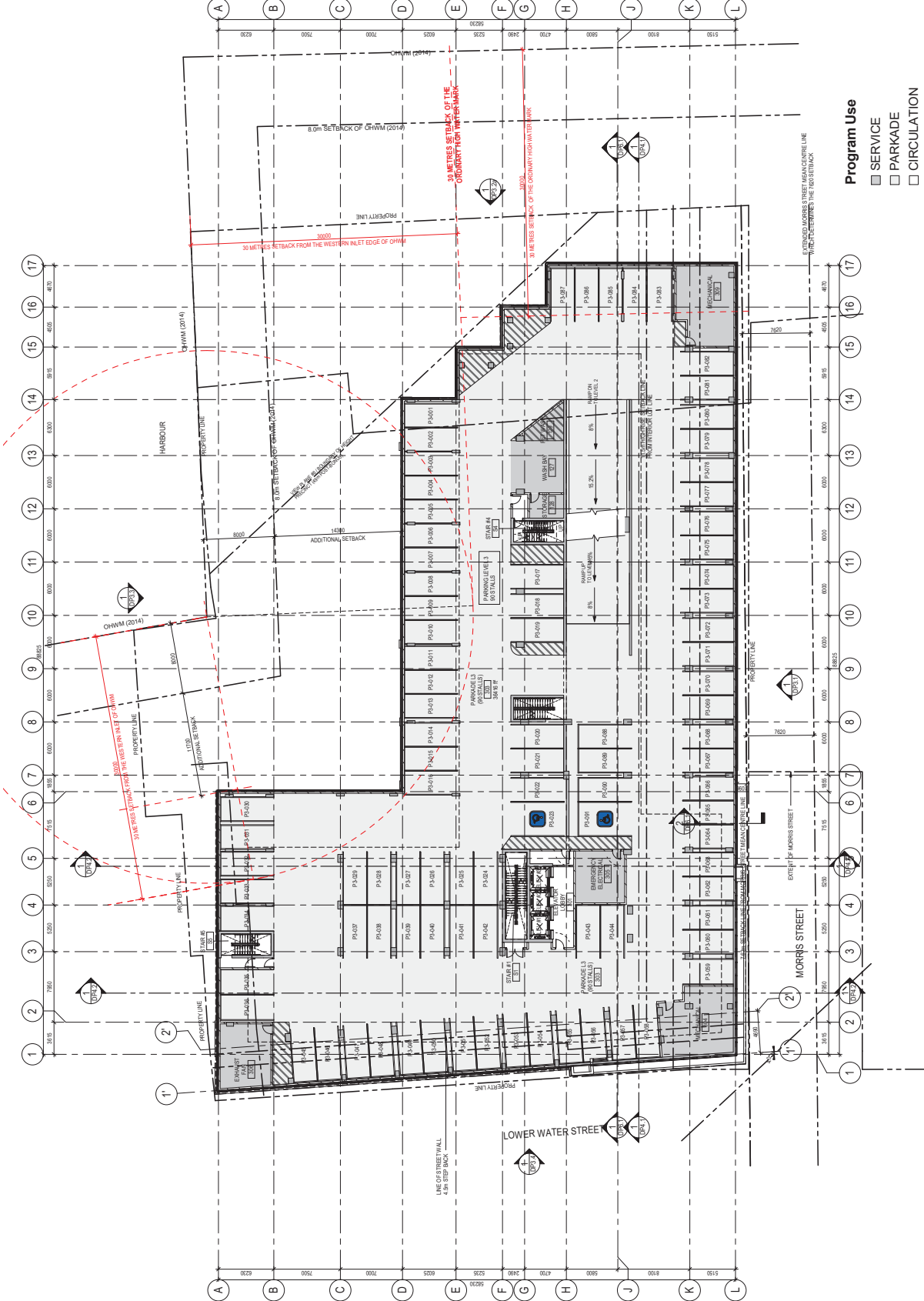
FLOOR PLAN - LEVEL 3

scale: 1:1,200
 drawn by: Author
 checked by: Checker
 project no: 217-152
 date issued: 13/05/2020

sheet no: DP2.3



16



- Program Use**
- ▨ SERVICE
 - ▤ PARKADE
 - CIRCULATION

1 LEVEL 3
 DP2.3 SCALE 1:1,200

10/21/20

consultants

The information on this drawing is the property of Zeidler and is intended for the use of the client only. It is not to be used for any other purpose without the written consent of Zeidler Architects and Engineers.



NO.	DATE	DESCRIPTION
1	10/21/20	ISSUED FOR PRE-APPLICATION
2	10/21/20	ISSUED FOR PRE-APPLICATION
3	10/21/20	ISSUED FOR PRE-APPLICATION
4	10/21/20	ISSUED FOR PRE-APPLICATION
5	10/21/20	ISSUED FOR PRE-APPLICATION
6	10/21/20	ISSUED FOR PRE-APPLICATION
7	10/21/20	ISSUED FOR PRE-APPLICATION
8	10/21/20	ISSUED FOR PRE-APPLICATION
9	10/21/20	ISSUED FOR PRE-APPLICATION
10	10/21/20	ISSUED FOR PRE-APPLICATION
11	10/21/20	ISSUED FOR PRE-APPLICATION
12	10/21/20	ISSUED FOR PRE-APPLICATION
13	10/21/20	ISSUED FOR PRE-APPLICATION
14	10/21/20	ISSUED FOR PRE-APPLICATION
15	10/21/20	ISSUED FOR PRE-APPLICATION
16	10/21/20	ISSUED FOR PRE-APPLICATION
17	10/21/20	ISSUED FOR PRE-APPLICATION
18	10/21/20	ISSUED FOR PRE-APPLICATION

SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

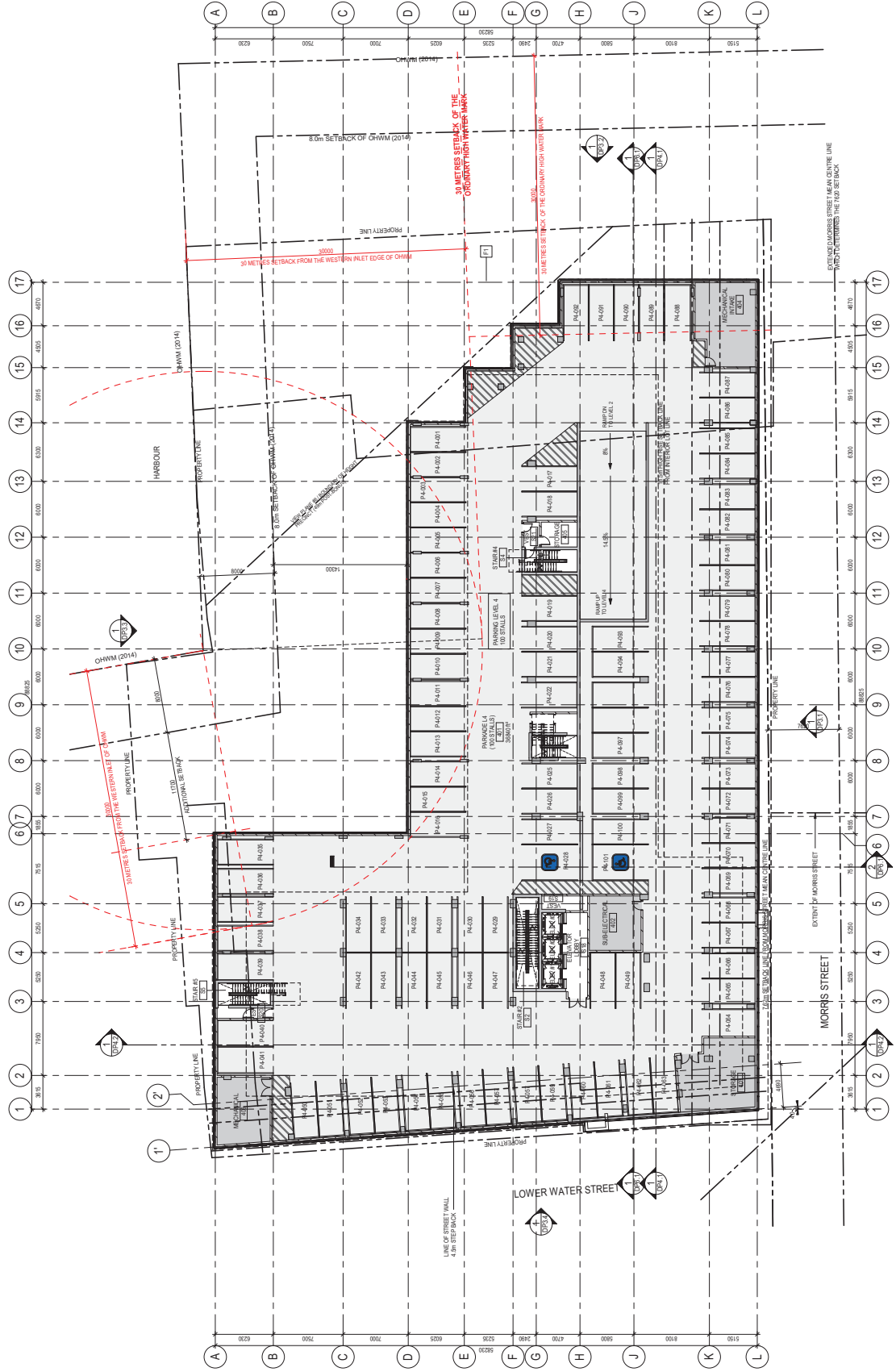
PROJECT NO:
 CUNARD

1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

drawing title:
 FLOOR PLAN - LEVEL 4

scale:	1:200
drawn by:	Author
checked by:	Checker
project no:	27-152
date issued:	13/05/2020

sheet no:
DP2.4 16



- Program Use**
- SERVICE
 - PARKADE
 - CIRCULATION

1 LEVEL 4
 DP2.4 SCALE: 1:200

001

001

This document is the property of Zeidler Associates Inc. It is to be used only for the project and site specified herein. No part of this document may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Zeidler Associates Inc.



NO.	DATE	DESCRIPTION
1	2019.07.01	PRELIMINARY LAYOUT - RESIDENTIAL
2	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
3	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
4	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
5	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
6	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
7	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
8	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
9	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
10	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
11	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
12	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
13	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
14	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
15	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
16	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
17	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
18	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
19	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
20	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
21	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL
22	2019.07.01	RESIDENTIAL PRELIMINARY LAYOUT - RESIDENTIAL

PROJECT
SOUTHWEST PROPERTIES
100, 1475 LOWER WATER STREET
HALIFAX, NOVA SCOTIA B3J 3Z2

PROJECT
CUNARD
1325 LOWER WATER STREET
HALIFAX, NOVA SCOTIA B3J 2Z2

DATE
13/05/2020

SCALE
1:200

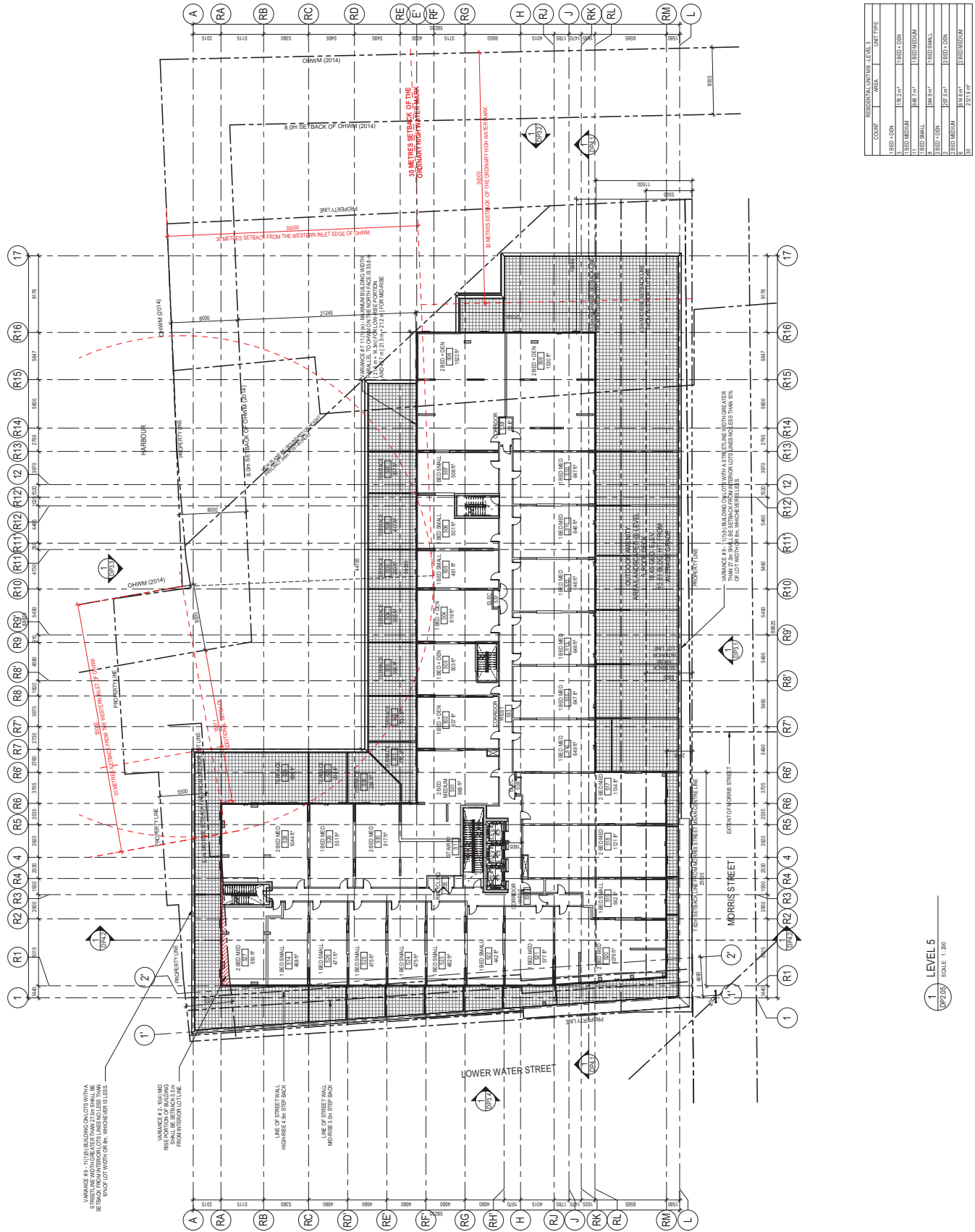
AUTHOR
Author

CHECKER
Checker

DATE ISSUED
13/05/2020

PROJECT NO.
DP.2.05

COUNT	RESIDENTIAL UNIT/LINER LEVEL 5	UNIT TYPE
1	178 2m ²	1BED + DEN
2	178 2m ²	1BED + DEN
3	178 2m ²	1BED + DEN
4	178 2m ²	1BED + DEN
5	178 2m ²	1BED + DEN
6	178 2m ²	1BED + DEN
7	178 2m ²	1BED + DEN
8	178 2m ²	1BED + DEN
9	178 2m ²	1BED + DEN
10	178 2m ²	1BED + DEN
11	178 2m ²	1BED + DEN
12	178 2m ²	1BED + DEN
13	178 2m ²	1BED + DEN
14	178 2m ²	1BED + DEN
15	178 2m ²	1BED + DEN
16	178 2m ²	1BED + DEN
17	178 2m ²	1BED + DEN
18	178 2m ²	1BED + DEN
19	178 2m ²	1BED + DEN
20	178 2m ²	1BED + DEN
21	178 2m ²	1BED + DEN
22	178 2m ²	1BED + DEN
23	178 2m ²	1BED + DEN
24	178 2m ²	1BED + DEN
25	178 2m ²	1BED + DEN
26	178 2m ²	1BED + DEN
27	178 2m ²	1BED + DEN
28	178 2m ²	1BED + DEN
29	178 2m ²	1BED + DEN
30	178 2m ²	1BED + DEN
31	178 2m ²	1BED + DEN
32	178 2m ²	1BED + DEN
33	178 2m ²	1BED + DEN
34	178 2m ²	1BED + DEN
35	178 2m ²	1BED + DEN
36	178 2m ²	1BED + DEN
37	178 2m ²	1BED + DEN
38	178 2m ²	1BED + DEN
39	178 2m ²	1BED + DEN
40	178 2m ²	1BED + DEN
41	178 2m ²	1BED + DEN
42	178 2m ²	1BED + DEN
43	178 2m ²	1BED + DEN
44	178 2m ²	1BED + DEN
45	178 2m ²	1BED + DEN
46	178 2m ²	1BED + DEN
47	178 2m ²	1BED + DEN
48	178 2m ²	1BED + DEN
49	178 2m ²	1BED + DEN
50	178 2m ²	1BED + DEN
51	178 2m ²	1BED + DEN
52	178 2m ²	1BED + DEN
53	178 2m ²	1BED + DEN
54	178 2m ²	1BED + DEN
55	178 2m ²	1BED + DEN
56	178 2m ²	1BED + DEN
57	178 2m ²	1BED + DEN
58	178 2m ²	1BED + DEN
59	178 2m ²	1BED + DEN
60	178 2m ²	1BED + DEN
61	178 2m ²	1BED + DEN
62	178 2m ²	1BED + DEN
63	178 2m ²	1BED + DEN
64	178 2m ²	1BED + DEN
65	178 2m ²	1BED + DEN
66	178 2m ²	1BED + DEN
67	178 2m ²	1BED + DEN
68	178 2m ²	1BED + DEN
69	178 2m ²	1BED + DEN
70	178 2m ²	1BED + DEN
71	178 2m ²	1BED + DEN
72	178 2m ²	1BED + DEN
73	178 2m ²	1BED + DEN
74	178 2m ²	1BED + DEN
75	178 2m ²	1BED + DEN
76	178 2m ²	1BED + DEN
77	178 2m ²	1BED + DEN
78	178 2m ²	1BED + DEN
79	178 2m ²	1BED + DEN
80	178 2m ²	1BED + DEN
81	178 2m ²	1BED + DEN
82	178 2m ²	1BED + DEN
83	178 2m ²	1BED + DEN
84	178 2m ²	1BED + DEN
85	178 2m ²	1BED + DEN
86	178 2m ²	1BED + DEN
87	178 2m ²	1BED + DEN
88	178 2m ²	1BED + DEN
89	178 2m ²	1BED + DEN
90	178 2m ²	1BED + DEN
91	178 2m ²	1BED + DEN
92	178 2m ²	1BED + DEN
93	178 2m ²	1BED + DEN
94	178 2m ²	1BED + DEN
95	178 2m ²	1BED + DEN
96	178 2m ²	1BED + DEN
97	178 2m ²	1BED + DEN
98	178 2m ²	1BED + DEN
99	178 2m ²	1BED + DEN
100	178 2m ²	1BED + DEN



LEVEL 5
SCALE 1:200

sheet

conditions

This document is the property of Zeidler Associates Inc. It is to be used only for the project and site specific purposes for which it was prepared. It is not to be used for any other project or site without the prior written consent of Zeidler Associates Inc. All errors and omissions must be corrected by the client before the document is used for any other project or site.



NO.	DATE	DESCRIPTION
1	2019.07.01	ISSUED FOR PRE-APPLICATION
2	2019.07.01	ISSUED FOR PRE-APPLICATION
3	2019.07.01	ISSUED FOR PRE-APPLICATION
4	2019.07.01	ISSUED FOR PRE-APPLICATION
5	2019.07.01	ISSUED FOR PRE-APPLICATION
6	2019.07.01	ISSUED FOR PRE-APPLICATION
7	2019.07.01	ISSUED FOR PRE-APPLICATION
8	2019.07.01	ISSUED FOR PRE-APPLICATION
9	2019.07.01	ISSUED FOR PRE-APPLICATION
10	2019.07.01	ISSUED FOR PRE-APPLICATION
11	2019.07.01	ISSUED FOR PRE-APPLICATION
12	2019.07.01	ISSUED FOR PRE-APPLICATION
13	2019.07.01	ISSUED FOR PRE-APPLICATION
14	2019.07.01	ISSUED FOR PRE-APPLICATION
15	2019.07.01	ISSUED FOR PRE-APPLICATION
16	2019.07.01	ISSUED FOR PRE-APPLICATION
17	2019.07.01	ISSUED FOR PRE-APPLICATION
18	2019.07.01	ISSUED FOR PRE-APPLICATION
19	2019.07.01	ISSUED FOR PRE-APPLICATION

PROJECT NO:
 CUNARD

SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

PROJECT NO:
 CUNARD

1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

drawing title

FLOOR PLAN - LEVEL 6-10

scale:	1:200
drawn by:	Author
checked by:	Checker
project no:	217-152
date issued:	13/05/2020
sheet no:	
revision no:	

DP.2.06

COART	RESIDENTIAL UNIT NO.	LEVEL	UNIT TYPE
1	1 BED + DEN	1	1 BED + DEN
2	1 BED + DEN	2	1 BED + DEN
3	1 BED + DEN	3	1 BED + DEN
4	1 BED + DEN	4	1 BED + DEN
5	1 BED + DEN	5	1 BED + DEN
6	1 BED + DEN	6	1 BED + DEN
7	1 BED + DEN	7	1 BED + DEN
8	1 BED + DEN	8	1 BED + DEN
9	1 BED + DEN	9	1 BED + DEN
10	1 BED + DEN	10	1 BED + DEN



1 LEVEL 6 TO LEVEL 10
 SCALE 1:200

9661

CONSULTANTS

This document is the property of Zeidler Associates Inc. It is to be used only for the project and site described herein. It is not to be used for any other project or site without the written consent of Zeidler Associates Inc.



NO.	DATE	DESCRIPTION
1	2014.07.15	ISSUED FOR PRE-APPLICATION
2	2014.08.15	ISSUED FOR PRE-APPLICATION
3	2014.09.15	ISSUED FOR PRE-APPLICATION
4	2014.10.15	ISSUED FOR PRE-APPLICATION
5	2014.11.15	ISSUED FOR PRE-APPLICATION
6	2014.12.15	ISSUED FOR PRE-APPLICATION
7	2015.01.15	ISSUED FOR PRE-APPLICATION
8	2015.02.15	ISSUED FOR PRE-APPLICATION
9	2015.03.15	ISSUED FOR PRE-APPLICATION
10	2015.04.15	ISSUED FOR PRE-APPLICATION
11	2015.05.15	ISSUED FOR PRE-APPLICATION
12	2015.06.15	ISSUED FOR PRE-APPLICATION
13	2015.07.15	ISSUED FOR PRE-APPLICATION
14	2015.08.15	ISSUED FOR PRE-APPLICATION
15	2015.09.15	ISSUED FOR PRE-APPLICATION
16	2015.10.15	ISSUED FOR PRE-APPLICATION
17	2015.11.15	ISSUED FOR PRE-APPLICATION
18	2015.12.15	ISSUED FOR PRE-APPLICATION
19	2016.01.15	ISSUED FOR PRE-APPLICATION
20	2016.02.15	ISSUED FOR PRE-APPLICATION

SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

PROJECT NO.

CUNARD

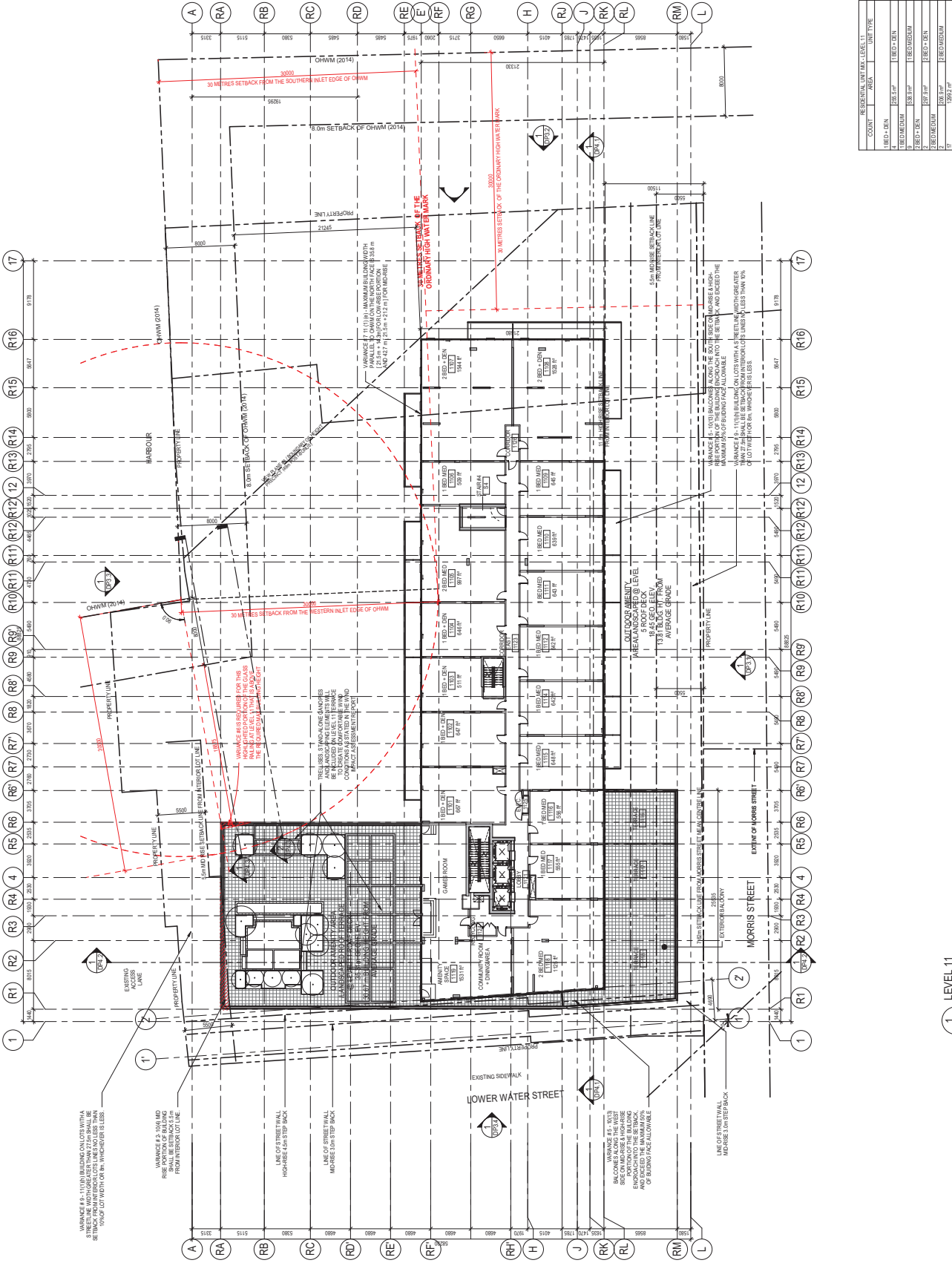
1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

DRAWING NO.

FLOOR PLAN - LEVEL 11

SCALE:	1:200
DRAWN BY:	AUTHOR
CHECKED BY:	CHECKER
DATE ISSUED:	2017-10-20

PROJECT NO. DP2.11



1 LEVEL 11
 DP2.11 SCALE 1:200

This document is the property of Zeidler Associates Inc. It is to be used only for the project and site specified herein. It is not to be used for any other project or site without the written consent of Zeidler Associates Inc. All areas and dimensions must be confirmed on site. This drawing is the exclusive property of Zeidler Associates Inc. and its architects and engineers. © Zeidler Architects



NO.	DATE	DESCRIPTION
1	2019.07.15	ISSUED FOR PRE-APPLICATION
2	2019.08.15	ISSUED FOR PRE-APPLICATION
3	2019.09.15	ISSUED FOR PRE-APPLICATION
4	2019.10.15	ISSUED FOR PRE-APPLICATION
5	2019.11.15	ISSUED FOR PRE-APPLICATION
6	2019.12.15	ISSUED FOR PRE-APPLICATION
7	2020.01.15	ISSUED FOR PRE-APPLICATION
8	2020.02.15	ISSUED FOR PRE-APPLICATION
9	2020.03.15	ISSUED FOR PRE-APPLICATION
10	2020.04.15	ISSUED FOR PRE-APPLICATION
11	2020.05.15	ISSUED FOR PRE-APPLICATION
12	2020.06.15	ISSUED FOR PRE-APPLICATION
13	2020.07.15	ISSUED FOR PRE-APPLICATION
14	2020.08.15	ISSUED FOR PRE-APPLICATION
15	2020.09.15	ISSUED FOR PRE-APPLICATION
16	2020.10.15	ISSUED FOR PRE-APPLICATION
17	2020.11.15	ISSUED FOR PRE-APPLICATION
18	2020.12.15	ISSUED FOR PRE-APPLICATION
19	2021.01.15	ISSUED FOR PRE-APPLICATION
20	2021.02.15	ISSUED FOR PRE-APPLICATION

SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

CUNARD

1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

DATE: 2020.12.15

FLOOR PLAN - LEVEL 12

SCALE:	1:200
DRAWN BY:	AUTHOR
CHECKED BY:	CHECKER
PROJECT NO.:	217-152
DATE ISSUED:	13/05/2020

PROJECT NO. **DP2.12** SCALE: 1:200



1 LEVEL 12
 DP2.12 SCALE: 1:200

COUNT	RESIDENTIAL UNIT MAX. LEVEL 12	UNIT TYPE
1	1 BED + DEN	1 BED + DEN
2	2 BED MEDIUM	1 BED MEDIUM
3	2 BED MEDIUM	1 BED MEDIUM
4	2 BED MEDIUM	1 BED MEDIUM
5	2 BED MEDIUM	1 BED MEDIUM
6	2 BED MEDIUM	1 BED MEDIUM
7	2 BED MEDIUM	1 BED MEDIUM
8	2 BED MEDIUM	1 BED MEDIUM
9	2 BED MEDIUM	1 BED MEDIUM
10	2 BED MEDIUM	1 BED MEDIUM
11	2 BED MEDIUM	1 BED MEDIUM
12	2 BED MEDIUM	1 BED MEDIUM

9042

CONVARIABLES

This drawing is the property of Zeidler Architects and shall remain the property of Zeidler Architects and shall not be used for any other project without the written permission of Zeidler Architects.



NO.	DATE	DESCRIPTION
1	2019.07.15	ISSUED FOR PRE-APPLICATION
2	2019.08.01	ISSUED FOR PRE-APPLICATION
3	2019.08.01	ISSUED FOR PRE-APPLICATION
4	2019.08.01	ISSUED FOR PRE-APPLICATION
5	2019.08.01	ISSUED FOR PRE-APPLICATION
6	2019.08.01	ISSUED FOR PRE-APPLICATION
7	2019.08.01	ISSUED FOR PRE-APPLICATION
8	2019.08.01	ISSUED FOR PRE-APPLICATION
9	2019.08.01	ISSUED FOR PRE-APPLICATION
10	2019.08.01	ISSUED FOR PRE-APPLICATION
11	2019.08.01	ISSUED FOR PRE-APPLICATION
12	2019.08.01	ISSUED FOR PRE-APPLICATION
13	2019.08.01	ISSUED FOR PRE-APPLICATION
14	2019.08.01	ISSUED FOR PRE-APPLICATION
15	2019.08.01	ISSUED FOR PRE-APPLICATION
16	2019.08.01	ISSUED FOR PRE-APPLICATION
17	2019.08.01	ISSUED FOR PRE-APPLICATION
18	2019.08.01	ISSUED FOR PRE-APPLICATION
19	2019.08.01	ISSUED FOR PRE-APPLICATION
20	2019.08.01	ISSUED FOR PRE-APPLICATION

SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

PROJECT NO:
 CUNARD

1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

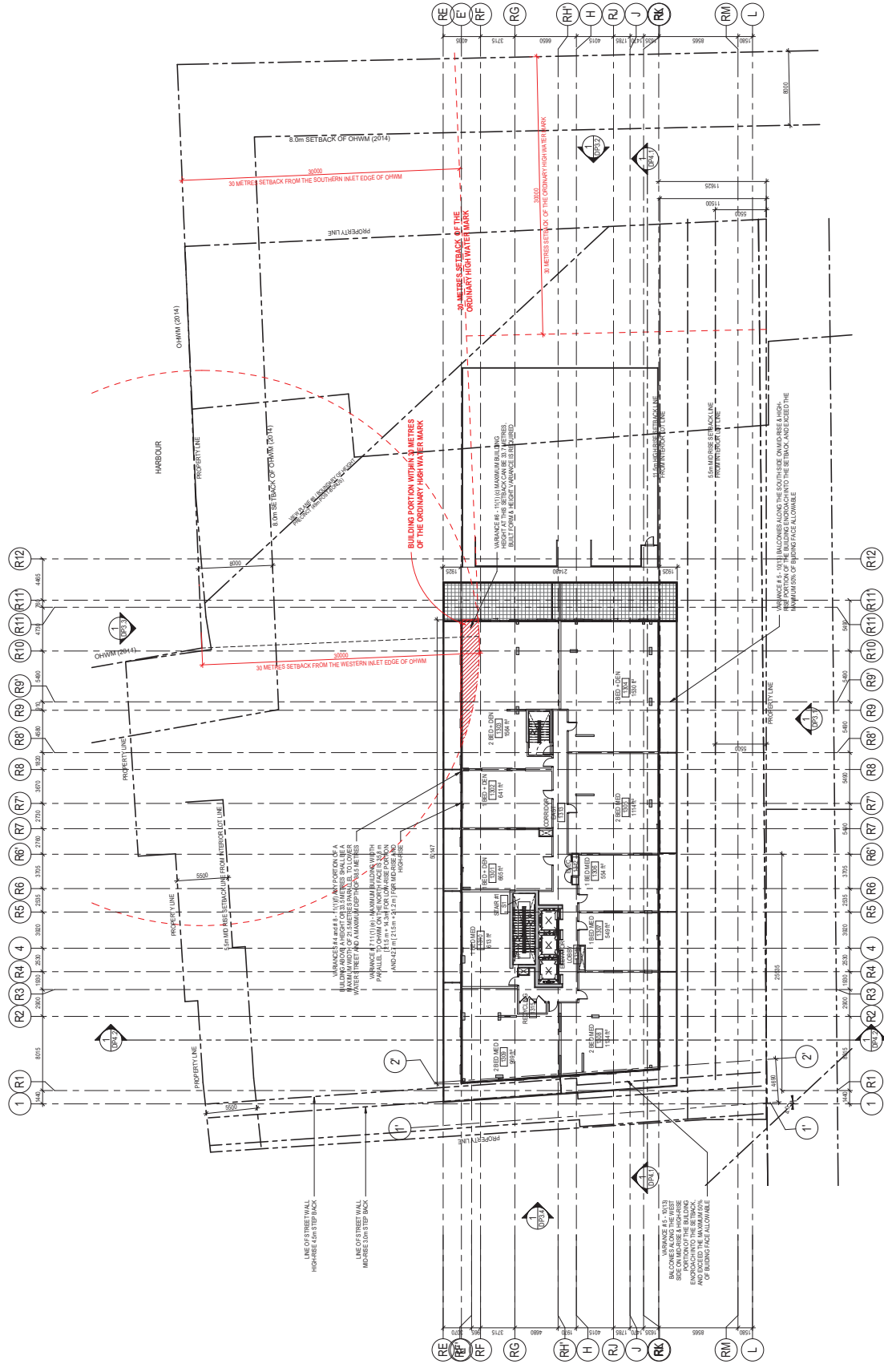
DRAWING NO:

FLOOR PLAN - LEVEL 13

SCALE:	1:200
DRAWN BY:	Author
CHECKED BY:	Checker
PROJECT NO:	217-152
DATE ISSUED:	13/05/2020
ISSUED TO:	REVISION:

DP2.13

COUNT	DESCRIPTION	AREA	UNIT TYPE
1	BED + BATH	128.81 SF	1 BED + 1 BATH
2	BED + BATH	104.07 SF	1 BED + 1 BATH
3	BED + BATH	104.07 SF	1 BED + 1 BATH
4	BED + BATH	104.07 SF	1 BED + 1 BATH
5	BED + BATH	104.07 SF	1 BED + 1 BATH
6	BED + BATH	104.07 SF	1 BED + 1 BATH



1 LEVEL 13
 DP2.13 SCALE 1:200

0814

0814/18

This drawing is the property of Zeidler Architects and is to be used only for the project and site as shown. It is not to be used for any other purpose without the written consent of Zeidler Architects.



NO.	DATE	DESCRIPTION
1	2019.07.15	ISSUED FOR PRE-APPLICATION
2	2019.07.15	ISSUED FOR PRE-APPLICATION
3	2019.07.15	ISSUED FOR PRE-APPLICATION
4	2019.07.15	ISSUED FOR PRE-APPLICATION
5	2019.07.15	ISSUED FOR PRE-APPLICATION
6	2019.07.15	ISSUED FOR PRE-APPLICATION
7	2019.07.15	ISSUED FOR PRE-APPLICATION
8	2019.07.15	ISSUED FOR PRE-APPLICATION
9	2019.07.15	ISSUED FOR PRE-APPLICATION
10	2019.07.15	ISSUED FOR PRE-APPLICATION
11	2019.07.15	ISSUED FOR PRE-APPLICATION
12	2019.07.15	ISSUED FOR PRE-APPLICATION
13	2019.07.15	ISSUED FOR PRE-APPLICATION
14	2019.07.15	ISSUED FOR PRE-APPLICATION
15	2019.07.15	ISSUED FOR PRE-APPLICATION
16	2019.07.15	ISSUED FOR PRE-APPLICATION
17	2019.07.15	ISSUED FOR PRE-APPLICATION
18	2019.07.15	ISSUED FOR PRE-APPLICATION
19	2019.07.15	ISSUED FOR PRE-APPLICATION
20	2019.07.15	ISSUED FOR PRE-APPLICATION

PROJECT
SOUTHWEST PROPERTIES
100, 1475 LOWER WATER STREET
HALIFAX, NOVA SCOTIA B3J 3Z2

OWNER
CUNARD

PROJECT
1325 LOWER WATER STREET
HALIFAX, NOVA SCOTIA B3J 2Z2

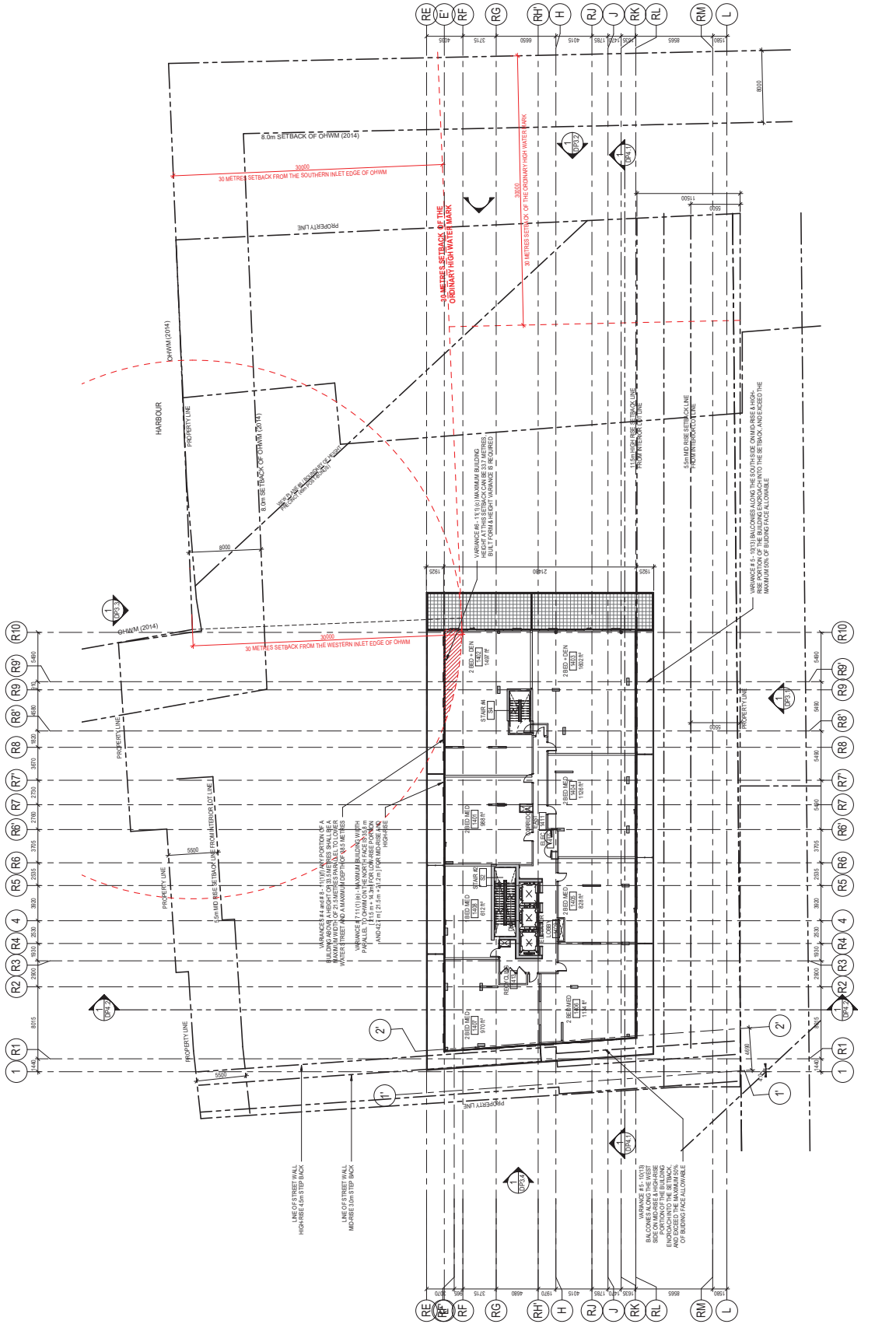
DRAWING NO.
FLOOR PLAN - LEVEL 14

SCALE	1:200
DRAWN BY	Author
CHECKED BY	Checker
PROJECT NO.	27-152
DATE ISSUED	13/05/2020

DATE	NO.	REVISION
13/05/2020	20	ISSUED FOR PRE-APPLICATION

1 LEVEL 14
DP2.14 SCALE: 1:200

COORD.	AREA	UNIT TYPE
1 BED MEDIUM	21.47	1 BED MEDIUM
2 BED MEDIUM	25.97	2 BED MEDIUM
3 BED MEDIUM	36.37	3 BED MEDIUM
4 BED MEDIUM	44.47	4 BED MEDIUM



This drawing is the property of Zeidler Architects and shall remain the property of Zeidler Architects. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Zeidler Architects.



NO.	DATE	DESCRIPTION
1	2019.07.15	ISSUED FOR PRE-APPLICATION
2	2019.07.15	ISSUED FOR PRE-APPLICATION
3	2019.07.15	ISSUED FOR PRE-APPLICATION
4	2019.07.15	ISSUED FOR PRE-APPLICATION
5	2019.07.15	ISSUED FOR PRE-APPLICATION
6	2019.07.15	ISSUED FOR PRE-APPLICATION
7	2019.07.15	ISSUED FOR PRE-APPLICATION
8	2019.07.15	ISSUED FOR PRE-APPLICATION
9	2019.07.15	ISSUED FOR PRE-APPLICATION
10	2019.07.15	ISSUED FOR PRE-APPLICATION
11	2019.07.15	ISSUED FOR PRE-APPLICATION
12	2019.07.15	ISSUED FOR PRE-APPLICATION
13	2019.07.15	ISSUED FOR PRE-APPLICATION
14	2019.07.15	ISSUED FOR PRE-APPLICATION
15	2019.07.15	ISSUED FOR PRE-APPLICATION
16	2019.07.15	ISSUED FOR PRE-APPLICATION
17	2019.07.15	ISSUED FOR PRE-APPLICATION
18	2019.07.15	ISSUED FOR PRE-APPLICATION
19	2019.07.15	ISSUED FOR PRE-APPLICATION
20	2019.07.15	ISSUED FOR PRE-APPLICATION

SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

CUNARD

1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

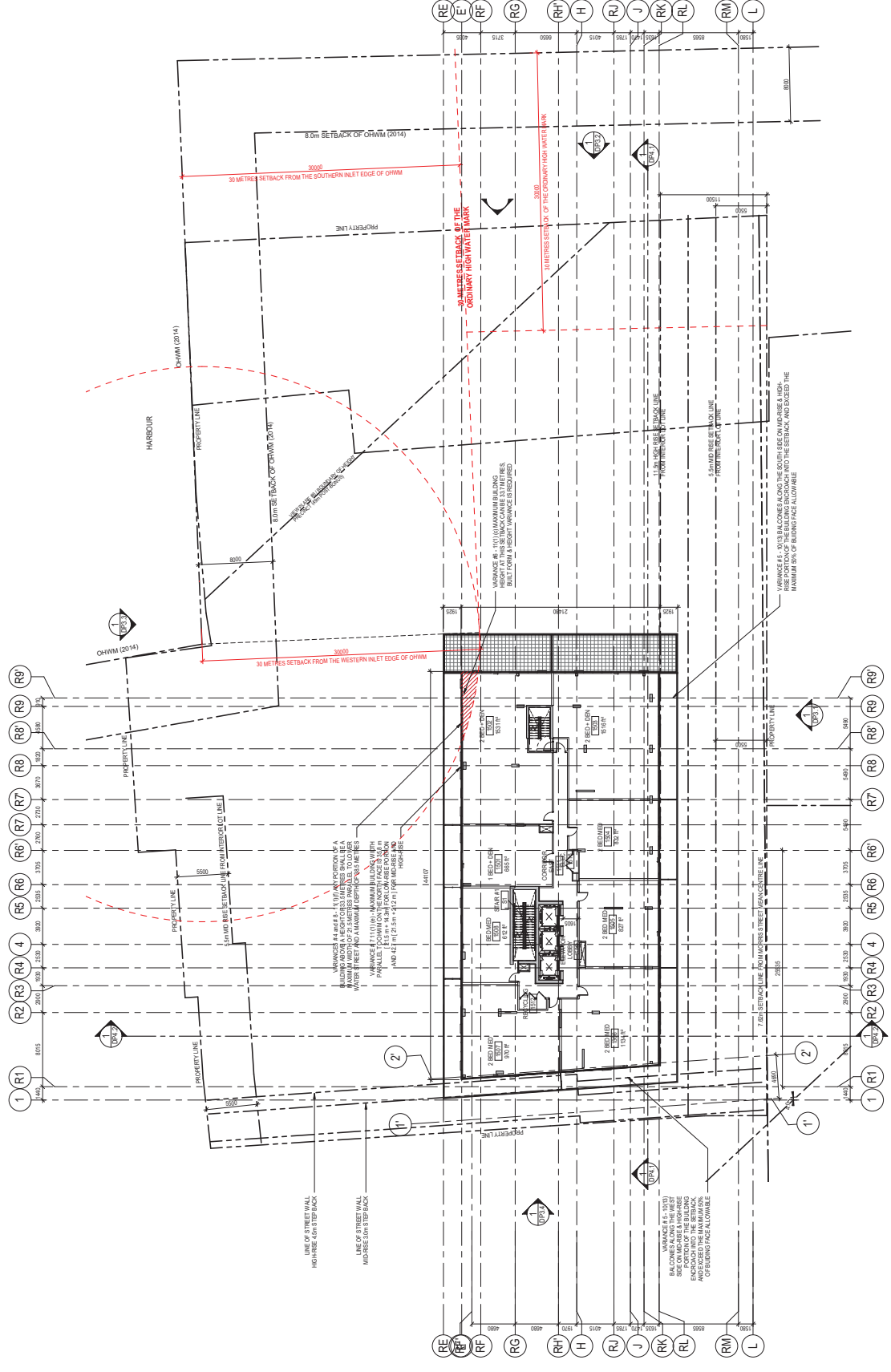
PROJECT NO.

FLOOR PLAN - LEVEL 15

SCALE: 1:200
 DRAWN BY: Author
 CHECKED BY: Checker
 PROJECT NO: 217-152
 DATE ISSUED: 13/05/2020
 SHEET NO: DP2.15
 REVISIONS:

DP2.15

COUNT	RESIDENTIAL UNIT TYPE	AREA (SQ FT)	UNIT TYPE
1	1 BED - 1/2 BN	65.37	1 BED - 1/2 BN
2	1 BED - MEDIUM	65.07	1 BED - MEDIUM
3	2 BED - MEDIUM	88.37	2 BED - MEDIUM
4	2 BED - MEDIUM	88.37	2 BED - MEDIUM
5	2 BED - MEDIUM	88.37	2 BED - MEDIUM



LEVEL 15
 SCALE: 1:200

sheet

consultants

This drawing is the property of Zeidler Architects and shall remain their property. It is to be used only for the project and site for which it was prepared. It is not to be reproduced, copied, or used for any other project without the written consent of Zeidler Architects.



NO.	DATE	DESCRIPTION
1	2014.01.15	ISSUED FOR PRE-APPLICATION
2	2014.02.10	ISSUED FOR PRE-APPLICATION
3	2014.03.10	ISSUED FOR PRE-APPLICATION
4	2014.04.10	ISSUED FOR PRE-APPLICATION
5	2014.05.10	ISSUED FOR PRE-APPLICATION
6	2014.06.10	ISSUED FOR PRE-APPLICATION
7	2014.07.10	ISSUED FOR PRE-APPLICATION
8	2014.08.10	ISSUED FOR PRE-APPLICATION
9	2014.09.10	ISSUED FOR PRE-APPLICATION
10	2014.10.10	ISSUED FOR PRE-APPLICATION
11	2014.11.10	ISSUED FOR PRE-APPLICATION
12	2014.12.10	ISSUED FOR PRE-APPLICATION
13	2015.01.10	ISSUED FOR PRE-APPLICATION
14	2015.02.10	ISSUED FOR PRE-APPLICATION
15	2015.03.10	ISSUED FOR PRE-APPLICATION
16	2015.04.10	ISSUED FOR PRE-APPLICATION
17	2015.05.10	ISSUED FOR PRE-APPLICATION
18	2015.06.10	ISSUED FOR PRE-APPLICATION
19	2015.07.10	ISSUED FOR PRE-APPLICATION
20	2015.08.10	ISSUED FOR PRE-APPLICATION

PROJECT
 SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

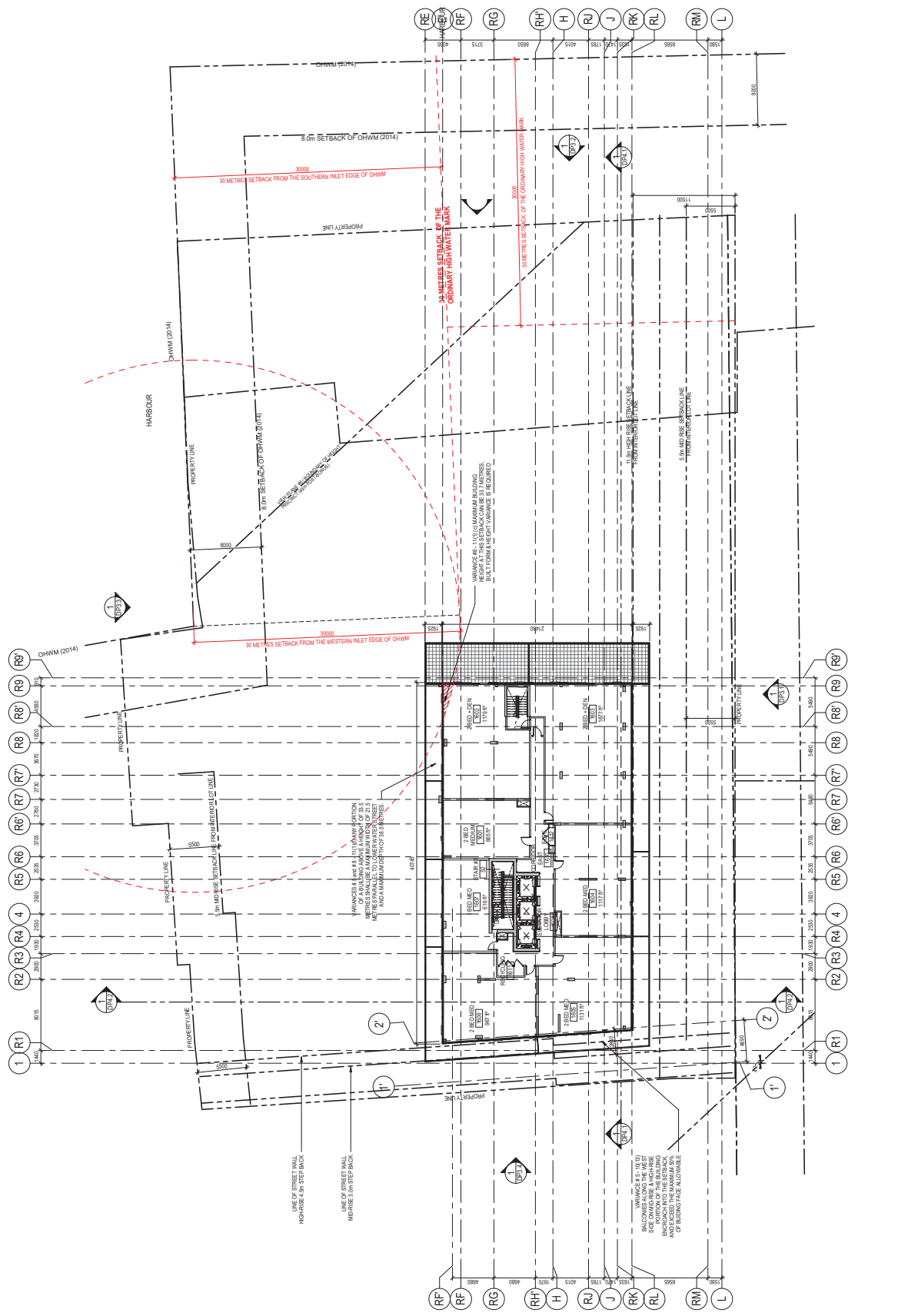
PROJECT
 CUNARD
 1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

drawing title

FLOOR PLAN - LEVEL 16

COUNT	AREA	UNIT TYPE
1	95.317	1 BED MEDIUM
2	173.27	2 BED MEDIUM
3	117.47	3 BED MEDIUM

scale:	1:200
drawn by:	Author
checked by:	Checker
project no:	217-152
date issued:	13/05/2020
sheet no:	DP2.16
revision:	



1 LEVEL 16
 DP2.16 SCALE 1:200

COUNT	AREA	UNIT TYPE
1	95.317	1 BED MEDIUM
2	173.27	2 BED MEDIUM
3	117.47	3 BED MEDIUM

18

CONSULTANTS

The information on this drawing is the property of Zeidler Architects and is provided for the use of the client only. It is not to be used for any other purpose without the written consent of Zeidler Architects. This drawing is the exclusive property of Zeidler Architects and is not to be used for any other purpose without the written consent of Zeidler Architects.



HARBOUR

NO.	DATE	DESCRIPTION
1	2019.07.15	ISSUED FOR PRE-APPLICATION
2	2019.08.15	ISSUED FOR PRE-APPLICATION
3	2019.09.15	ISSUED FOR PRE-APPLICATION
4	2019.10.15	ISSUED FOR PRE-APPLICATION
5	2019.11.15	ISSUED FOR PRE-APPLICATION
6	2020.01.15	ISSUED FOR PRE-APPLICATION
7	2020.02.15	ISSUED FOR PRE-APPLICATION
8	2020.03.15	ISSUED FOR PRE-APPLICATION
9	2020.04.15	ISSUED FOR PRE-APPLICATION
10	2020.05.15	ISSUED FOR PRE-APPLICATION
11	2020.06.15	ISSUED FOR PRE-APPLICATION
12	2020.07.15	ISSUED FOR PRE-APPLICATION
13	2020.08.15	ISSUED FOR PRE-APPLICATION
14	2020.09.15	ISSUED FOR PRE-APPLICATION
15	2020.10.15	ISSUED FOR PRE-APPLICATION
16	2020.11.15	ISSUED FOR PRE-APPLICATION
17	2020.12.15	ISSUED FOR PRE-APPLICATION
18	2021.01.15	ISSUED FOR PRE-APPLICATION

SOUTHWEST PROPERTIES
 100, 1475 LOWER WATER
 STREET
 HALIFAX, NOVA SCOTIA B3J 3Z2

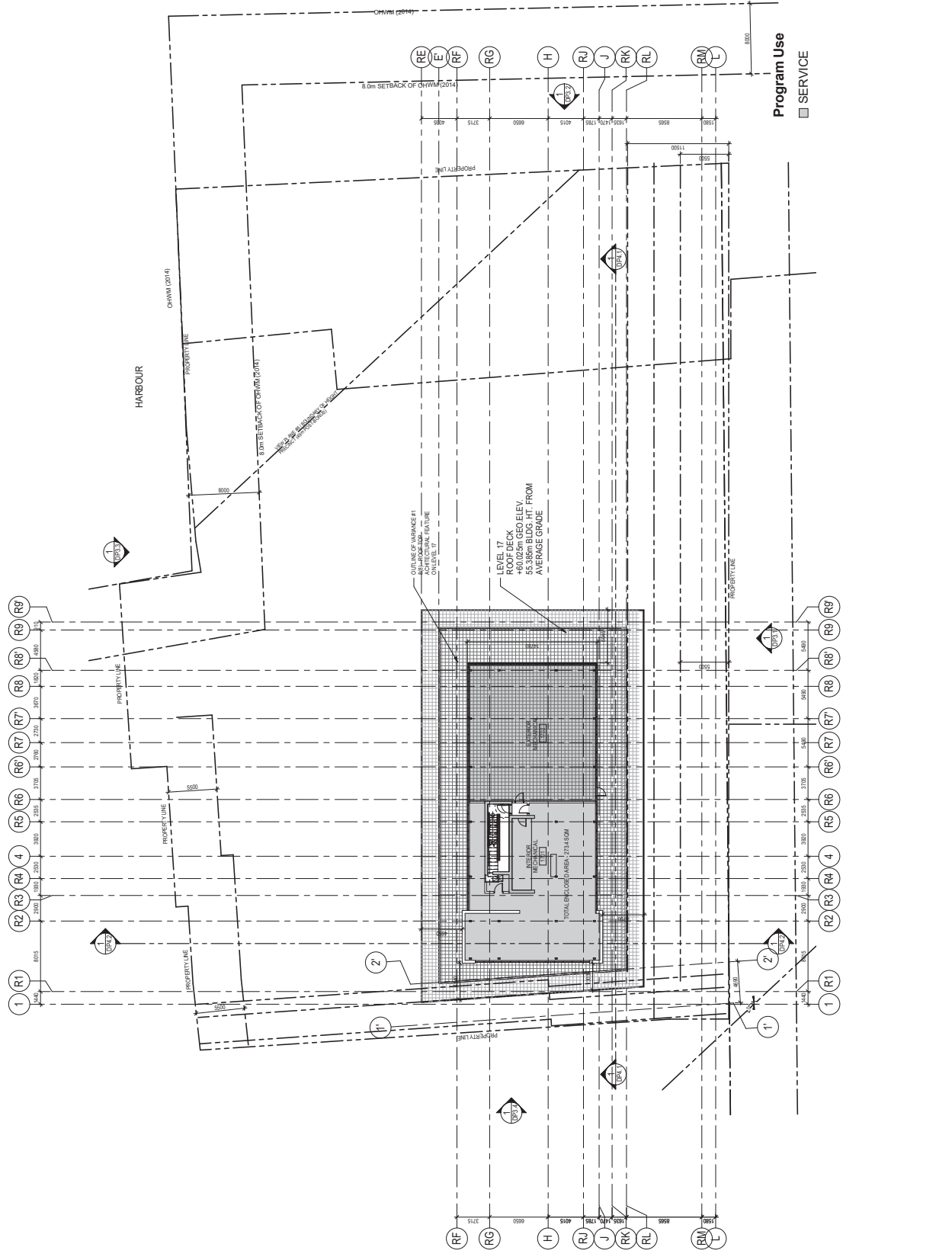
PROJECT NO.
 CUNARD

1325 LOWER WATER STREET
 HALIFAX, NOVA SCOTIA B3J 2Z2

DRAWING TITLE
 FLOOR PLAN - LEVEL 17
 MPF

SCALE:	1:200
DRAWN BY:	Author
CHECKED BY:	Checker
PROJECT NO.:	217-152
DATE ISSUED:	13/05/2020

SHEET NO.
DP2.17
 OF 18



1 LEVEL 17
 SCALE: 1:200

Attachment B

22708 Notice of Appeals

Date Received	Subject	From	To
Aug-10-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Robert McDonald and RONALDA McDonald	Carl Purvis, Steve Higgins, John Denty, Claire Gillivan, Maggie Holm, cc Phoebe Rai, Andrea Lovasi-Wood
Aug-14-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Jeanne Cruickshank	
Aug-17-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Norman Wallet	
Aug-17-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Gloria Rodrigues	
Aug-18-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Judy Jacinto	
Aug-19-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Sharon Beals	
Aug-19-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Elizabeth Heffelfinger	
Aug-19-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Cheryl Fraser	

Aug-20-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Peter Dietz	
Aug-20-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20 - Confirmed by sender to be considered appeal.	Jesse Arsenault	
Aug-20-20	Petition and Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Fran Payne	
Aug-20-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Scott Wilson	
Aug-20-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Darren Arbour	
Aug-20-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Patricia Gillis	
Aug-21-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Mary M. McGrath	
Aug-21-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Deborah Ryan	
Aug-22-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Hsin-Lin Hsia	
Aug-22-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Jessica Kuo	

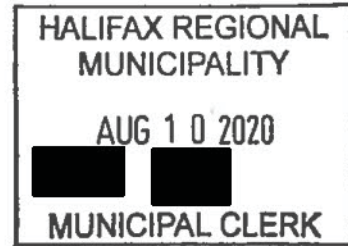
Aug-22-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Gary Thompson	
Aug-22-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Brian Dort - REVISED APPEAL	
Aug-22-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Colby Gogan	
Aug-22-20	Appeal of Site Plan Approval -Case 22708 -1325 Lower Water Street, Halifax (Southwest Properties requesting substantive site plan approval for a mixed-use building on lands) - Appeal by Date - Aug-22-20	Sarah MacVicar	



Municipal Clerk
Halifax Regional Municipality
PO Box 1749
Halifax, NS B3J 3A5

clerks@halifax.ca

Fax 902 490 4208



NOTICE OF APPEAL OF THE DRC COMMITTEE DECISION JULY 30, 2020

RE CASE 22708 1325 LOWER WATER ST/ SOUTHWEST PROPERTIES

We are appealing this decision for the following reason.

Multiple examples of variances and inconsistencies for this application were provided by staff to the DRC committee and a recommendation was made to the DRC to refuse to allow these variances. The motion to refuse was put to the committee and was defeated.

Meanwhile Southwest continues to come back with appeal after appeal for more variances and keeps chipping away at the rules until they get what they want.

What started out as a proposal for a 6 story building is now for a 16 story building sitting flush with its back to Lower Water Street effectively blocking the sight line to the waterfront for everyone. The proposed building covers most of the lot and provides only a token amount of quality public space in spite of the developers claim to the contrary.

HRM has these designs and guidelines in place to ensure that Developers conform to the vision of the people of HRM with regards to the public benefit, recognizing our unique heritage and quality of life for all citizens.

To allow the development of a 16 story luxury apartment building on this precious waterfront site does not serve the people of HRM in any positive manner.

Port Cities over the world are recognizing the importance of reclaiming and developing their waterfronts for the benefit of all residents. Why isn't Halifax?

Travel Nova Scotia says on their website that the waterfront is "the jewel of Halifax" to appeal to tourists to enjoy this special place. Do tourists really want to see another high rise apartment building? Let's have common sense prevail here.

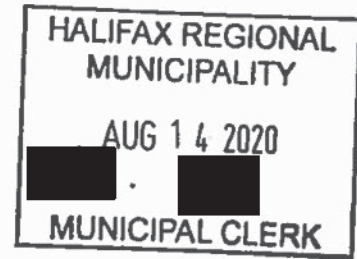
Develop Nova Scotia is the steward of this Cunard Lot property. Their stated mission is to build on our ocean advantage to develop authentic, sustainable places for all the citizens of Nova Scotia.

We sincerely ask that Mayor Savage and the Council use their influence and insight to ask that Develop Nova Scotia and the DRC reconsider the plan for this site.



August 10, 2020

Attention: Municipal Clerk
Halifax Regional Municipality
P.O. Box 1749, Halifax, NS
e-mail: clerk@halifax.ca



Appeal of Case 22708 – Application by Southwest Properties requesting substantive site plan approval for a mixed used building on lands at 1325 Lower Water St., Halifax.

Communications failures?

The charter requires that information regarding such developments and variances be communicated to property owners. I have received no communication. The option to appeal has been offered to those within 30 m of the structure. Given that the property is provincial crown land I would suggest that the option to appeal should be offered to all Nova Scotians, who in fact are the owners of the property and have trusted the management of it to Develop NS.

The open house held at the Discovery Centre in August 2019 was a democratic disservice. Although prior to the open house the option to make a presentation was accepted, once you were on site no public presentations were allowed. An option was to provide the comments which I did, but no response to any of the questions was ever received. A prior public information session would discuss nothing of the structure, only the public access development. The earliest communication session at the Museum of the Atlantic showed drawings that were a significant change from the proposed six storey building.

Waterfront Development / Develop NS failure to uphold their mandate:

At the time that Premier Hamm transferred the Cunard lot block at 1325 Lower Water Street to Waterfront Development it was with the understanding that it would be developed to a social community project. Tax payer money paid for consultants from Toronto to develop plans that included dog runs and even earlier than the Emera oval, talked of a skating oval on the site. Contrary to that commitment, it was offered to developers. The chosen developer for a 99 year lease over a decade ago was Southwest properties who proposed a six storey structure.

The precedent set by Waterfront Development was that if property is not developed within 10 years it is returned to Waterfront Development, now called Develop NS. This was the case with the Salter block which originally had an arrangement with Medjuck. Waterfront Development reclaimed the property and now it will be the new site of the Art Gallery. It is my understanding that Southwest properties have had the arrangement with Waterfront Development in excess of 10 years.

Southwest track record:

Southwest have been allowed by Develop NS to place their restaurant waste in a container on the Cunard lot. I am across the street from a Seacan container for waste that by its existence contravenes many rules and allows the waste residue, including fryer grease to go directly into the harbour. This is being allowed by Develop NS as the Steward of this crown land.

A company was hired by Southwest to do drone flights of the property and in follow up with Transport Canada was found to not be in compliance with the aviation rules. Southwest property commissioned a traffic survey which was placed on Halifax city lamp posts without any notification to the city or people in the audio/video range and proceeded to do both audio and video of people in the area contrary to the privacy legislation. The Hansard notes of the Bishop's Landing Property indicate the accommodation would be rentals, so I assume the building is built to apartment specs. Subsequently, several of the units were changed to condominiums that may or may not be built to condominium specs. These issues have all been communicated to the respective authorities with no repercussions to Southwest.

Cunard lot flooding liability?

Because the property is leased to Southwest but it remains provincial crown land, when the property floods or is impacted by increasingly severe weather who is liable for the damage considering that the authority was given to build the structure? I have witnessed the impact of Hurricane Juan and Dorian on the Cunard lot and at 31 "above sea level, flooding is inevitable and the fill nature of the site changed the underground parking option to above ground. That adds to the height of the structure and relies on NSPI allowing access from their property adding to the traffic congestion.

Displaced parking, people and wildlife

If Nova Scotians are to access the waterfront, shops & services and the Waterfront activities and enjoy the Discovery Centre, where are they to park? For many years I have enjoyed watching the Eagle who perches on the NS Power building. My familiarity with this species under the tutelage of Professor Soren Bondrup -Nielsen would suggest the Eagle will not tolerate the disruption to his claimed territory.

Economic issues

Since 1987, 152 Condo Owners have been significant contributors to the tax base and economy of this municipality & province in a property called **Waterfront Place**, not building front. It seems that the return to the Lessee exceeds the return to the landowners (all Nova Scotians).

Design Review Committee breach of procedure

The note to the July 30 DRC meeting states: *"These minutes are considered draft and will require approval by the Design Review Committee at a future meeting."* As there has not been a future meeting **the Approval is pending.**

The DRC Draft Minutes issues

“A wind study determined that the development will result in comfort levels suitable for persons sitting, standing or walking at sidewalk level, but that there would be higher than desired wind activity for the outdoor amenity areas located on levels 11 and 12.”

As I would understand this relates to a wind study for the new structure and sidewalk. What is the wind impact for 1326 Lower Water St.?

6.2 of the Minutes indicates no petitions but the November meeting, that I attended, indicated a petition had been received re 1325 Lower Water St.?

The structure

The structure blocks the view and the light and will contribute to significant noise levels as the corridor closes in on Lower Water St.

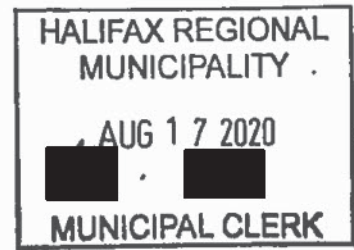
The waterfront properties should be developed for the use of all Haligonians and Nova Scotians. 260 rental units for those able to afford the weighty proposed monthly rental as the property use is a disservice to Nova Scotians.

For the above reasons, I appeal Case 22708



Neate, Leslie

From: [REDACTED]
Sent: Monday, August 17, 2020 11:29 AM
To: Office, Clerks
Subject: [External Email] Appeal case 22708
Attachments: IMG-2412.jpg; IMG-2413.jpg



[This email has been received from an external person or system]

Please see attached objection to case 22708

HRM

P O Box 1749,

Halifax, N.S.

clerks@halifax.ca

August 17, 2020

Appeal case 22708 Southwest Properties approval plan for building on lands at 1325 Lower Water Street.

Development is not compliant with the following design manual sections, 2.1c, 2.10i, 3.1.1a, 3.2.1a, 3.2.1f, 3.2.5a, 3.3.1b, 3.3.1c, 3.6.6, 3.6.7, 3.6.8 and 3.6.10 as was noted in the July 30, 2020 Development Nova Scotia meeting.

The structure proposed is incompatible with surrounding buildings, causing severe car/truck traffic problems, eliminating parking options, contributing significant noise issues, creating a wind corridor and shadows.

The proposed mixed use building is excessive in height and does not fit into the Lower Water Street building environment. The traffic on Lower Water Street is already significant and adding more cars to a small density area does not make for good quality downtown life. The existing car volume is substantial on Lower Water Street. AT 3 pm each work day it is hard to leave the downtown core due to high traffic volumes. Adding more cars to a one way downtown street does not help with pollution, noise or availability of parking. Parking is already at a premium and will only get worse if the new building is erected. Creating a tunnel street atmosphere using large buildings as walls changes the Halifax living environment and atmosphere. It is only necessary to visit other large Canadian cities to recognize the wind and shadow problems that occur with large tall buildings being built in small areas. Do we want Halifax to be like this?

I attended the open house held in August 2019 at the Discovery Centre. This was not democracy in action. There was no forum for a public presentation. Southwest employees were condescending and uninterested in public input.

1/2

Appeal case 22708 continued

Develop NS employees at the open house looked to Southwest employees for all comment and input to questions asked.

How did crown land and a social community project meant for all Nova Scotians turn into a mega building situated directly on the waterfront?

Halifax municipal officials have highlighted climate change and elevated sea levels as major concerns to HRM, yet HRM approves building on a site that is practically at sea level and floods in major storms. Our community needs action not words.

How is Southwest Properties allowed to continue with a project that has not been developed for over 10 years? There is precedent that has stopped other projects not developed after 10 years.

I am very concerned that public interests are not being considered and that is why I object and appeal Case 22708.

Please confirm receipt of this email,

Yours truly,

[REDACTED]

[REDACTED]

[REDACTED]

2/2

Neate, Leslie

From: [REDACTED]
Sent: Monday, August 17, 2020 6:43 PM
To: Office, Clerks
Subject: [External Email] Regarding waterfront development at 1325 Lower Water Street
Attachments: Re 1325 Lower Water Street Development.pdf

[This email has been received from an external person or system]

Dear Members of the Halifax Regional Council,

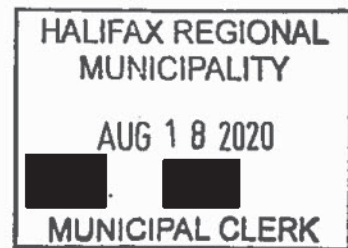
Please see the attached PDF outlining my concerns with the waterfront development at 1325 Lower Water Street in Halifax.

I appreciate your attention to this matter.

Sincerely,

[REDACTED]

[REDACTED]



Municipal Clerk
PO Box 1749
Halifax, NS
B3J 3A5

Monday, August 17, 2020

Dear Members of the Halifax Regional Council,

I, [REDACTED], a resident of downtown Halifax, am sending you this letter to raise concerns about the waterfront development at 1325 Lower Water Street. The new development is not compliant with the following Schedule S-1 Design Manual Sections 2.1c, 2.10i, 3.1.1a, 3.2.1a, 3.2.1f, 3.2.5a, 3.3.1b, 3.3.1c, 3.6.6, 3.6.7, 3.6.8, and 3.6.10 as was noted in the July 30, 2020 Development Nova Scotia meeting.

My additional concerns with the approval of this project are as follows:

1. Wind impact:
 - There has been a Pedestrian Wind Comfort Assessment performed, however, there is no record that a required study addressing the existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development, has been completed as per the Land Use By-law for Downtown Halifax regarding Wind Impact (18).
2. Additional traffic congestion:
 - Has a traffic impact study been completed as per the Guidelines for the Preparation of Transportation Impact Studies? The potential development at 1325 Lower Water Street proposes to incorporate vehicular access to a major collector or significant arterial road and has the potential to significantly impact local traffic. The impact should be assessed through a study following the guidelines.
3. Additional street traffic noise:
 - Lower Water Street is already an extremely noisy road and a new development across from Waterfront Place (1326 Lower Water Street) will increase noise due to reverberations between the two buildings.
 - The effect is compounded by the building being taller and wider than permitted by the Downtown Land Use By-law (12.5 metres).
4. Increased shade for residents in Waterfront Place (1326 Lower Water Street):
 - The proposed development is over two times higher than Waterfront Place, which will block out sunlight for many residents in the building, potentially impacting quality of life.
5. Failure to follow HRM Community Engagement Strategy:
 - Community engagement involves a conversation from the public in decision-making that concerns waterfront development. This process has been one-sided with little to no opportunity for the community to voice preferences and opinions regarding the development of this waterfront property. Community engagement is fundamental to local representative democracy.

As a resident of Downtown Halifax, I understand and appreciate the importance of waterfront development. However, the development at 1325 Lower Water Street is problematic in several ways as the potential negative impacts to local wind, traffic, and noise have not been thoroughly studied. Furthermore, the local community has not been significantly involved and engaged through the decision-making process, making this development seem geared toward self-interest of the developer rather than community development. Please consider these points and re-evaluate the approval of this waterfront development.

I thank you genuinely for your prompt attention.

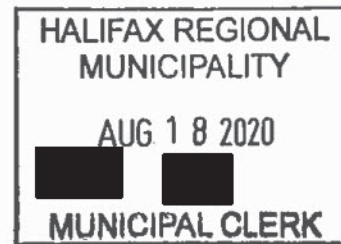
Sincerely,



Neate, Leslie

From: [REDACTED]
Sent: Monday, August 17, 2020 7:55 PM
To: Office, Clerks
Subject: [External Email] 1325 Lower Water Street
Attachments: halifax regional council.pdf

Categories: For discussion with clerks staff



[This email has been received from an external person or system]

Dear Members of the Halifax Regional Council,

Please see the attached PDF for some of my concerns in regard to the 1325 Lower Water Street development.

Thank you in advance for your attention.

Sincerely,

[REDACTED]

Municipal Clerk
PO Box 1749
Halifax, NS
B3J 3A5

Dear Members of the Halifax Regional Council.

I, [REDACTED] a property owner in Waterfront Place in Downtown Halifax, am sending you this letter to raise concerns about the waterfront development at 1325 Lower Water Street. The new development is not compliant with the following Schedule S-1 Design Manual Sections 2.1c, 2.10i, 3.1.1a, 3.2.1a, 3.2.1f, 3.2.5a, 3.3.1b, 3.3.1c, 3.6.6, 3.6.7, 3.6.8, and 3.6.10 as was noted in the July 30, 2020 Development Nova Scotia meeting.

My additional concerns with the approval of this project are as follows:

1. Wind impact:
 - There has been a Pedestrian Wind Comfort Assessment performed, however, there is no record that a required study addressing the existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development, has been completed as per the Land Use By-law for Downtown Halifax regarding Wind Impact (18).
2. Additional traffic congestion:
 - Has a traffic impact study been completed as per the Guidelines for the Preparation of Transportation Impact Studies? The potential development at 1325 Lower Water Street proposes to incorporate vehicular access to a major collector or significant arterial road and has the potential to significantly impact local traffic. The impact should be assessed through a study following the guidelines.
3. Additional street traffic noise:
 - Lower Water Street is already an extremely noisy road and a new development across from Waterfront Place (1326 Lower Water Street) will increase noise due to reverberations between the two buildings.
 - The effect is compounded by the building being taller and wider than permitted by the Downtown Land Use By-law (12.5 metres).
4. Increased shade for residents in Waterfront Place (1326 Lower Water Street):
 - The proposed development is over two times higher than Waterfront Place, which will block out sunlight for many residents in the building, potentially impacting quality of life.
5. Failure to follow HRM Community Engagement Strategy:
 - Community engagement involves a conversation from the public in decision-making that concerns waterfront development. This process has been one-sided with little to no opportunity for the community to voice preferences and opinions regarding the development of this waterfront property. Community engagement is fundamental to local representative democracy.

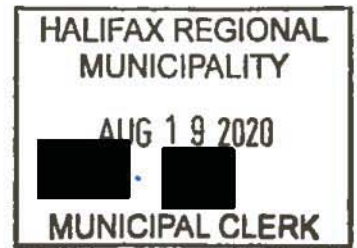
I understand and appreciate the importance of waterfront development. However, the development at 1325 Lower Water Street is problematic in several ways as the potential negative impacts to local wind, traffic, and noise have not been thoroughly studied. Furthermore, the local community has not been significantly involved and engaged through the decision-making process, making this development seem geared toward self-interest of the developer rather than community development. Please consider these points and re-evaluate the approval of this waterfront development.

I appreciate your prompt attention.

Sincerely,



Halifax Regional Municipality
P.O. Box 1749
Halifax, N.S.
Canada B3J 3A5



Attention: Municipal Clerk Halifax Regional Municipality P.O. Box 1749, Halifax, N.S.

Re: Case 22708 – Application by Southwest Properties requesting substantive site plan approval for mixed use building on lands at 1325 Lower Water St., Halifax.

As a resident owner of Waterfront Place overlooking [REDACTED] I have concerns about the proposed design of Case 22708.

I have followed the progress attending various public meetings. The first announced around 2009, held at the Maritime Museum of the Atlantic detailed a 7- story building. At the next meeting, held in Nova Scotia Power it grew to 13 stories. At this meeting we were told they would only speak to plans for the grounds. There was no discussion of the building itself. The last meeting in the fall of 2019 showed 16 floors of shops and apartments plus 3 for parking. Entrance to the building was a bit of a mystery but on the south side of the building facing Nova Scotia Power. They must be creating an entrance off Lower Water St., as Morris St. does not cross Lower Water and the present entrance with gate is on Nova Scotia Power property. A sixteen-floor apartment with a commercial floor and 3 floors for parking will bring much traffic. Something we have plenty of on Lower Water St. Currently we have traffic tie ups with commercial deliveries to Bishop's Landing as well as problems with their commercial garbage removal which has been housed for over 2 years on the Cunard lot thanks to Develop Nova Scotia.

For property that belongs to Nova Scotia and is supposedly cared for by Develop Nova Scotia, I wonder who it does benefit. I fail to see where the plan benefits Nova Scotians or the harbourfront, "the jewel of Halifax".

Sincerely,

[REDACTED]

[REDACTED]

Cc Wayne Mason

Cc Mayor Michael Savage

HALIFAX REGIONAL
MUNICIPALITY .
AUG 19 2020
MUNICIPAL CLERK

WATERFRONT



PLACE

hfxwaterfront.ca

To: Municipal Clerk
PO, Box 1749
Halifax, NS B3J 3A5

Fax: 902-490-4208
Email : clerks@halifax.ca

From: [Redacted]

Notification of appeal case 22708

Dear Municipal Clerk, *thank you for reading this letter!*
As HCCC#38 owner of unit [Redacted] 1326 Lower Water Street, I would like to formally appeal to all variances for the following reasons,

Variance Category 3: Maximum Height Variance The applicant is requesting two variances to the maximum height requirements for this application. Section 8(8) of the LUB (Variance #1) requires that a mechanical penthouse shall not occupy more than 30% of the roof area. Additionally, Section 11(1)c (Variance #6) states that the maximum height of a building within 30 m of the Ordinary High-Water Mark (OHWM) is 12.5 m, which may be increased by 1 m for each additional metre of setback from the OHWM. Section 8(11) of the LUB provides the ability to vary the requirements for section 10(4) where the relaxation is consistent with the criteria of the Design Manual. Section 3.6.8 of the Design Manual allows for a variance to maximum height requirements of the LUB subject to meeting certain conditions as outlined in Attachment E. Of the potential conditions for a variance, this application is being requested under the following provisions: 1. The rooftop mechanical occupies more than 30% of the roof area, which means that it is no longer exempt from height and must be included in the calculation for height. The applicant is requesting to vary the 30% requirement for rooftop coverage so that the mechanical structure remains exempt from the height restrictions. Section 3.6.8a and 3.6.8b are the requested considerations for variances for this part of the building. Section 3.6.8b allows for the consideration of additional height if it is for rooftop

architectural features and the additional height does not result in an increase in gross floor area. The mechanical is designed in such a way as to add an architectural feature to the top of the building and does not include any usable building floor area. The mechanical includes a parapet around the building that should be included in the height variance. As this request is for mechanical on the roof, staff advise that it meets the requirements of the Design Manual. 2. The second request for a height variance is for the portions of the building that are within 30 m of the OHWM. The longer portion of the building that runs parallel to the northern section of the OHWM has a maximum height of 12.5 m + the additional setback, which is 21.2 m for a total permitted height of 31.37 m. The section of the building that is perpendicular to the northern section of the OHWM has a railing that is 60 cm taller than the permitted 31.37 m (12.5 m+ additional setback of 18.87 m). The north-east face of the building on levels 12, 13, 14, 15 and 16 are within the 30 m of the OHWM and over the 33.7m of the maximum height, up to a maximum height of approximately 50 m at the 16th level. Additionally, a portion of the railings on the mid-rise portion of the building at the north-east are above the maximum height. This is within the Precinct 1 built form criteria and must meet both the variance requirements of section 3.6.8 regarding height and 3.6.10 regarding Precinct 1 Built Form. The application meets the requirement for 3.6.10 in that it fills Case 22708: 1325 Lower Water St., Halifax Design Review Committee - 9 - July 30, 2020 existing gaps created by vacant properties or parking lots with new development, but it is unclear how it meets section 3.6.8. In addition to the universal requirement to be consistent with the objectives and guidelines of the design manual, the allowable variance criteria for height is one of four criteria: 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. The requested variance is not for a rooftop architectural feature and does result in increased gross floor area, so b) does not apply. The maximum building height of this proposal exceeds the maximum permitted building height and the portion of the site subject to a view plane does not have a building within it, so c) does not apply. The portions of the building that require a height variance are for large sections of the middle part of the tower and do not provide any additional design elements that would allow for the consideration of d). Lastly, the building is not a heritage building and therefore e) does not apply. There is no variance criterion which applies to this context. As such, staff do not recommend the approval of this variance as it does not meet the requirements of the Design Manual.

My reasons for appealing variance 1 and 6 are as follows.

- Wind impact- if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed.

Here are the regulations.

LAND USE BY-LAW
DOWNTOWN HALIFAX

Wind Impact

(18) Any building or building addition resulting in a height exceeding 20 metres shall only be permitted following consideration of its wind impact pursuant to the performance standards in Schedule S-2.

Schedule S-2: Wind Assessment Performance Standards

General

(1) A new building that is proposed to be greater than 20 metres in height or an addition to a building that will result in the building being greater than 20 metres in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment.

(2) The wind impact assessment shall address:

(a) Existing conditions, accounting for buildings and other physical features on the lot

and any surrounding buildings and features that may influence the development or that may be influenced by the development.

(b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13):

(i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and

(ii) private amenity spaces such as rooftop gardens.

(c) The expected level of comfort for various activities associated with the above-noted

areas with regard to factors such as sitting, standing, and walking.

(d) The methodology and standards used in the assessment.

- Additional traffic congestion. We are not aware of any traffic impact study that has been completed.

Guidelines for the Preparation of Transportation Impact Studies

"2.0.2 It is not possible to provide generic criteria governing the need for a TIS.

However, as a

rough guide, a TIS will generally be required if the proposed development or redevelopment will add more than 100 peak-hour, peak-direction person trips to the transportation system. Other factors which may indicate the need for a TIS, even if fewer

than 100 peak-hour, peak-direction person trips are projected, include:

- the development or redevelopment proposal incorporates direct vehicular access to a

major collector or arterial road;

- the vehicular traffic generated by the development would result in volume/

capacity ratios

at a signalized intersection becoming critical (ie. greater than 0.85 overall or for a shared through/turning movement, or greater than 1.0 for an exclusive turning movement);

- the development or redevelopment proposal is in an area with significant traffic congestion and/or a high expected rate of population or employment growth;
- the development or redevelopment proposal requires amendment of the applicable MPS or transportation plan(s); and,
- the development or redevelopment proposal is not envisaged by local land-use/transportation plans."

- Failure to follow the HRM Community Engagement Strategy- A community engagement regarding these variances has been one sided with no opportunity for the public to voice concerns.

HRM Community Engagement Strategy

"2.1 Defining Community Engagement

Community engagement can be defined as "the process of working collaboratively with and through groups of people to enact positive action. It includes information sharing, consultation and active involvement in decision making".

Residents expect to be involved in the decisions that affect them, and citizen involvement in

deliberations about what is important to them, how their community grows and develops is crucial to more informed government decisions and better service delivery. Effective public engagement taps into the collective knowledge and wisdom of residents and contributes to building more connected, harmonious and resilient communities. When people are involved in initiating and promoting change, the resulting solutions tend to be more successful and lasting.

Community engagement is fundamental to local representative democracy;

"Exclusion, however, "is the shadow of public engagement" 2 and engagement that is too numerous, poorly designed and poorly executed can discourage or even silence significant portions of the community. Each situation requires a tailored approach to engagement. The onus on HRM is to honour local values and traditions, to use a strategic approach to community engagement, to facilitate effective engagement and to clearly communicate to the public the purpose and scope of engagement. It is important to recognize that in a vast majority of cases the final decision rests with the elected municipal representatives – the HRM Regional Council."

Variance Category 4: Precinct 1 Built Form Variance This proposal requires four variances in this category. Section 11(1)c of the LUB (Variance #6) requires the maximum height of the building

within 30 m of the OHWM to be no greater than 12.5 m; Section 11(1)e (Variance #7) of the LUB, the maximum width of a building parallel to OHWM is 21.5 m. Section 11(1)f (Variance #8) states that the maximum width of any portion of a building above a height of 33.5 m shall be 21.5 m parallel to Lower Water Street and a maximum depth of 38.5 m. Finally, Section 11(1)h (Variance #9) requires buildings on lots with a streetline width greater than 27.5 m shall be setback from interior lot lines no less than 10% of the lot width or 8 m, whichever is less. These sections of the LUB provide additional oversight on the design of buildings within this area. As mentioned earlier in the report, Section 3.4.9 of the Downtown Halifax MPS describes the importance of the Halifax Waterfront and prescribes enhanced design direction in this area to respond to the significance of the precinct. Schedule W of the LUB as well as the additional design requirements of 2.10 in the Design Manual are the tools used to achieve the design intent. The intent of the Plan is to create buildings with a point tower, with heights that step down as it approaches the waterfront to reduce shadow on the public space and to provide visual and public access to the waterfront. The proposal requires 3 variances to enable the design, which would allow for a larger, wider and taller building than envisioned in the plan. The building design also reduces access to sun as it is massed and sited towards the southern property line in such a way that the proposed plaza area will be in shade for much of the day. Section 11(1)f restricts the maximum dimension of a building face parallel to the OHWM to 21.5m. This may be increased by 1m for every additional metre that the building is setback from the OHWM setback. In this case (Variance #7), the maximum permitted building dimension facing the OHWM is 35.8m and the applicant has proposed 44m for the low-rise portion of the building. This criterion could be met by modulating the building face with recesses or offsets, but the applicant is not pursuing this option. Section 11(2) of the LUB provides the ability to vary the requirements for Section 11(1) where the relaxation is consistent with the criteria of the Design Manual. Section 3.6.10 of the Design Manual allows for a variance to Precinct 1 Built Form Requirements subject to meeting certain conditions as outlined in Attachment D. Of the potential conditions for a variance, these 3 variances are being requested under the provision of 3.6.10a which is to fill existing gaps created by vacant properties or parking lots with new development. While the site is an existing parking lot and these requested variances meet this requirement, Case 22708: 1325 Lower Water St., Halifax Design Review Committee - 10 - July 30, 2020 they must also meet the criteria for height, tower dimension and setbacks as discussed in the other sections. Refer to each applicable section for further discussion on each variance. Staff recommend refusal of Variance #6 and Variance #8. Staff advise that Variance #7 and Variance #9 meet the requirements of the Design Manual.

Our reasons for appealing this variance 7 and 8 are as follows.

- Additional traffic congestion. I am not aware of any traffic impact study that has been completed.

**Guidelines for the Preparation of
Transportation Impact Studies**

"2.0.2 It is not possible to provide generic criteria governing the need for a TIS. However, as a rough guide, a TIS will generally be required if the proposed development or redevelopment will add more than 100 peak-hour, peak-direction person trips to the transportation system. Other factors which may indicate the need for a TIS, even if fewer

than 100 peak-hour, peak-direction person trips are projected, include:

- the development or redevelopment proposal incorporates direct vehicular access to a major collector or arterial road;
 - the vehicular traffic generated by the development would result in volume/capacity ratios at a signalized intersection becoming critical (ie. greater than 0.85 overall or for a shared through/turning movement, or greater than 1.0 for an exclusive turning movement);
 - the development or redevelopment proposal is in an area with significant traffic congestion and/or a high expected rate of population or employment growth;
 - the development or redevelopment proposal requires amendment of the applicable MPS or transportation plan(s); and,
 - the development or redevelopment proposal is not envisaged by local land-use/transportation plans."
- Additional Street traffic noise- The sound of traffic on Lower Water Street increase of traffic noise due to reflections between the new building and Waterfront Place.
 - Failure to follow the HRM Community Engagement Strategy- A community engagement in regard to these variances has been one sided with no opportunity for the public to voice concerns.

HRM Community Engagement Strategy

"2.1 Defining Community Engagement

Community engagement can be defined as "the process of working collaboratively with and through groups of people to enact positive action. It includes information sharing, consultation and active involvement in decision making".

Residents expect to be involved in the decisions that affect them, and citizen involvement in

deliberations about what is important to them, how their community grows and develops is crucial to more informed government decisions and better service delivery. Effective public engagement taps into the collective knowledge and wisdom of residents and contributes to building more connected, harmonious and resilient communities. When people are involved in initiating and promoting change, the resulting solutions tend to be more successful and lasting.

Community engagement is fundamental to local representative democracy;

"Exclusion, however, "is the shadow of public engagement" 2 and engagement that is too numerous, poorly designed and poorly executed can discourage or even silence significant portions of the community. Each situation requires a tailored approach to engagement. The onus on HRM is to honour local values and traditions, to use a strategic approach to community engagement, to facilitate effective engagement and to clearly communicate to the public the purpose and scope of engagement. It is important to recognize that in a vast majority of cases the final decision rests with

the elected municipal representatives – the HRM Regional Council.”

variance 1 and 6 variance 7 and 8

My reason for appealing this variance #2, #3, #4, #5 #9, #10, #11 and #12 are as follows.

- Failure to follow the HRM Community Engagement Strategy- A community engagement in regard to these variances has be one sided with no opportunity for the public to voice concerns.

HRM Community Engagement Strategy

“2.1 Defining Community Engagement

Community engagement can be defined as “the process of working collaboratively with and through groups of people to enact positive action. It includes information sharing, consultation and active involvement in decision making”.

Residents expect to be involved in the decisions that affect them, and citizen involvement in

deliberations about what is important to them, how their community grows and develops is crucial to more informed government decisions and better service delivery. Effective public engagement taps into the collective knowledge and wisdom of residents and contributes to building more connected, harmonious and resilient communities. When people are involved in initiating and promoting change, the resulting solutions tend to be more successful and lasting.

Community engagement is fundamental to local representative democracy;

“Exclusion, however, “is the shadow of public engagement” 2 and engagement that is too numerous, poorly designed and poorly executed can discourage or even silence significant portions of the community. Each situation requires a tailored approach to engagement. The onus on HRM is to honour local values and traditions, to use a strategic approach to community engagement, to facilitate effective engagement and to clearly communicate to the public the purpose and scope of engagement. It is important to recognize that in a vast majority of cases the final decision rests with the elected municipal representatives – the HRM Regional Council.”

Thank you for your attention to this matters.

Regards



P.S. this is so important to me that you read this and listen to the people's voices! Thank you

Neate, Leslie

From: [REDACTED]
Sent: Tuesday, August 18, 2020 4:59 PM
To: Office, Clerks
Subject: [External Email] Re: Notice of Development Approval and Appeal Process 1325, Lower Water Street

[This email has been received from an external person or system]

Hello, I am a resident and owner of a condo in Waterfront Place, 1326 Lr. Water St. I am sending this message along to you to voice my concerns. This project was not approved by Halifax Council, indeed I believe they actively opposed it. Also this property is Crown Property for the enjoyment of all Nova Scotians not just one person who has been given a 99 year's lease. No studies have been made with regard to ocean protection, wind tunnelling and noise pollution. With regards to the ocean and rain, the building called Bishop's Landing has constant flooding problems. Please properly review this project and let no work begin on this without further consideration.

Notification of Approval and Appeal Process

Dear Waterfront Place Owners, the Board of Directors has asked that we inform you of the notification of approval for the new apartment building directly across the street at 1325 Lower Water Street. The new development is not compliant with the following design manual sections 2.1c, 2.10i, 3.1.1a, 3.2.1a, 3.2.1f, 3.2.5a, 3.3.1b, 3.3.1c, 3.6.6, 3.6.7, 3.6.8, and 3.6.10 as was noted in the July 30, 2020 Development Nova Scotia meeting.

Our additional concerns with the approval of this project are as follows.

- Wind impact: if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development, has been completed.

Here are the regulations.

LAND USE BY-LAW

DOWNTOWN HALIFAX

Wind Impact

(18) Any building or building addition resulting in a height exceeding 20 metres shall only be permitted following consideration of its wind impact pursuant to the performance standards in Schedule S-2.

Schedule S-2: Wind Assessment Performance Standards

General

(1) A new building that is proposed to be greater than 20 metres in height or an addition to a building that will result in the building being greater than 20 metres in height shall be subject

to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment.

(2) The wind impact assessment shall address:

(a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development.

(b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13):

(i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and

(ii) private amenity spaces such as rooftop gardens.

(c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking.

(d) The methodology and standards used in the assessment.

- Additional traffic congestion: we are not aware of any traffic impact study that has been completed.

Guidelines for the Preparation of Transportation Impact Studies

"2.0.2 It is not possible to provide generic criteria governing the need for a TIS. However, as a rough guide, a TIS will generally be required if the proposed development or redevelopment will add more than 100 peak-hour, peak-direction person trips to the transportation system. Other factors which may indicate the need for a TIS, even if fewer than 100 peak-hour, peak-direction person trips are projected, include:

- the development or redevelopment proposal incorporates direct vehicular access to a major collector or arterial road;
- the vehicular traffic generated by the development would result in volume/capacity ratios at a signalized intersection becoming critical (ie. greater than 0.85 overall or for a shared through/turning movement, or greater than 1.0 for an exclusive turning movement);
- the development or redevelopment proposal is in an area with significant traffic congestion and/or a high expected rate of population or employment growth;
- the development or redevelopment proposal requires amendment of the applicable MPS or transportation plan(s); and,
- the development or redevelopment proposal is not envisaged by local land-use/transportation plans."

- Additional street traffic noise: the sound of traffic on Lower Water Street increase of traffic noise due to reflections between the new building and Waterfront Place. This effect will be compounded due to the building layout being wider and taller than permitted by the Downtown Land use Bylaws

Here are the regulations.

LAND USE BY-LAW

DOWNTOWN HALIFAX

(c) the maximum height of any building shall be 12.5 metres;

(d) building height in clause (c) may increase at a rate of 1 metre for every additional 1 metre of setback from the minimum required setback from the ordinary high water mark;

- (e) the width of any building face parallel to the ordinary high water mark shall not exceed 21.5 metres;
- (f) any portion of a building above a height of 33.5 metres feet shall be a maximum width of 21.5 metres parallel to Lower Water Street and a maximum depth of 38.5 metres.
- (g) the width of any low-rise or mid-rise building face parallel to the ordinary high water mark may increase at a rate of 1 metre for every additional 1 metre setback from the ordinary high water mark;
- (h) buildings on lots with a streetline width greater than 27.5 metres shall be setback from interior lot lines no less than 10 % of the lot width or 8 metres, whichever is less. Where a lot has more than one streetline, the greater lot width shall apply; and
- (i) clauses (b) through (e) apply to any building or portion thereof within 30 metres of the ordinary high water mark.

- Increased shade: the new development being over twice as high as the Waterfront place will block out the sun for many residents during the morning.
- Failure to follow the HRM Community Engagement Strategy: all community engagement regarding these variances has been one sided, with no opportunity for the public to voice concerns.
HRM Community Engagement Strategy

“2.1 Defining Community Engagement

Community engagement can be defined as “the process of working collaboratively with and through groups of people to enact positive action. It includes information sharing, consultation and active involvement in decision making”.

Residents expect to be involved in the decisions that affect them, and citizen involvement in deliberations about what is important to them, how their community grows and develops is crucial to more informed government decisions and better service delivery. Effective public engagement taps into the collective knowledge and wisdom of residents and contributes to building more connected, harmonious and resilient communities. When people are involved in initiating and promoting change, the resulting solutions tend to be more successful and lasting. Community engagement is fundamental to local representative democracy; “Exclusion, however, “is the shadow of public engagement” 2 and engagement that is too numerous, poorly designed and poorly executed can discourage or even silence significant portions of the community. Each situation requires a tailored approach to engagement. The onus on HRM is to honour local values and traditions, to use a strategic approach to community engagement, to facilitate effective engagement and to clearly communicate to the public the purpose and scope of engagement. It is important to recognize that in a vast majority of cases the final decision rests with the elected municipal representatives – the HRM Regional Council.”

If you wish, you have until August 22 to file an appeal with the municipal Clerk’s Office. Please feel free to contact us should you need any assistance drafting a letter.

An appeal must be in writing and contain the name, address and other applicable contact information of the property owner making the appeal, and be directed to:

Municipal Clerk

PO, Box 1749

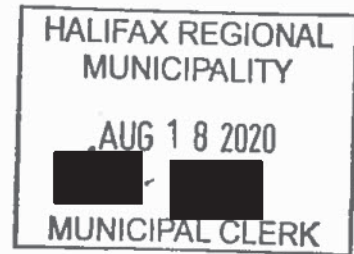
Halifax, NS B3J 3A5

Fax : 902-490-4208

Email : clerks@halifax.ca

ACC#CPC02310

<https://www.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/200730drc711-case22708report.pdf>

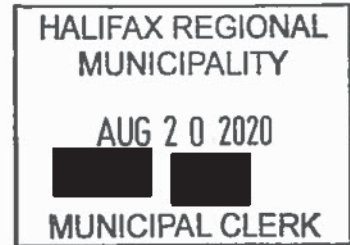


Neate, Leslie

From: [REDACTED]
Sent: Thursday, August 20, 2020 11:25 AM
To: Office, Clerks
Subject: [External Email] Addendum to Notification of appeal of case 22708

[This email has been received from an external person or system]

To: Municipal Clerk
PO, Box 1749
Halifax, NS B3J 3A5
Fax: 902-490-4208
Email: clerks@halifax.ca



Addendum to Notification of appeal of case 22708

To the issue of assessing the impact of wind on the buildings surrounding the proposed development identified in item (5) "wind assessment" in my email below, I would like to add some information that highlights my concerns on this issue.

The predominant wind direction of storms impacting Halifax is from South to North, coming from the Atlantic ocean. Hurricane Juan, for instance followed just such a track as it first impacted Point Pleasant Park and then proceeded up the Halifax Harbour through the channel into the Bedford Basin and continuing through Bedford. This means that the winds from major storms would collide with the south face of the proposed development and be deflected east towards the water and west towards Waterfront Place and adjacent buildings. Waterfront Place would bear the brunt of these deflected winds. This in turn would change the flow pattern of air over the building envelope of Waterfront Place, possibly in directions that might lead to water infiltration. It would appear from this that the risk of water infiltration into Waterfront Place during a heavy storm would be increased. As an owner of a unit in Waterfront Place this, of course, causes me great concern. I have not seen any report on this risk in the Site Plan Approval referenced in the email below as Reference [1]. This risk should not be minimized as Halifax is subject to a combination of tropical storm weather and North Atlantic gales which can produce very severe weather at times. Wind testing must consider very strong winds up to at least 150 km/hour which have been observed in storms that have impacted Halifax. Stronger winds are possible. I believe strongly that potential damage to surrounding buildings needs to be considered in assessing the viability of the current design. I strongly recommend that further wind testing be performed to address the issue identified in this email.

Thank you for your attention to this matter.

Regards,

On 8/20/20 9:58 AM [REDACTED] wrote:

From: [REDACTED] August 20, 2020



To: Municipal Clerk

PO, Box 1749

Halifax, NS B3J 3A5

Fax: 902-490-4208

Email: clerks@halifax.ca

Notification of appeal of case 22708

Reference [1]: "Case 22708 – Substantive Site Plan Approval 1325 Lower Water Street, Downtown Halifax", which may be found at:

<https://www.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/200730drc711-Case22708StaffPresentation.pdf>

Attachment: "Notification of Appeal of Case 22708 - PDSD.pdf" which is a PDF copy of this email.

Dear Municipal Clerk,

██████████ are the owners of unit ██████████ in HCCC#38, 1326 Lower Water Street. We are writing to you concerning "Case 22708: Substantive Site Plan Approval for 1325 Lower Water Street, Halifax" regarding the application by Southwest Properties. We are very concerned that a building proposal has been made for this site that is deficient with respect to the Design Manual within the Downtown Halifax Land Use By-Law which will have a negative impact on the residents of the development, the residents within surrounding buildings, and the public.

Specifically, the Staff Recommendations in Reference [1], page 31, indicate that the proposal does not comply with Sections 2.1c, 2.10i, 3.1.1a, 3.2.1a, 3.2.1f, 3.2.5a, 3.3.1b and 3.3.1c of the Design Manual. Further Reference [1] indicates in the section "Staff Recommendations" that the proposal does not comply with Sections 3.6.6, 3.6.7, 3.6.8, and 3.6.10 of the Design Manual.

We would like to formally appeal the approval of the site plan for the following reasons:

(1) In relation to items 3.1.1a, 3.2.1a, 3.2.1f and 3.2.1g of the Design Manual, the design does not provide narrow retail shops and the articulation is neither fine grained nor vertical. There are insufficient windows at street level. Instead, large panels are presented. It appears from the plan that significant sections of this elevation have not been animated and that the planters are insufficient to break up the blank wall. This means that the development does not provide an appropriate street side environment along Lower Water Street that would provide enjoyment to pedestrians and enhance street level life along this portion of Lower Water Street. The view from the surrounding buildings is of the large slab-sided parking garage walls which are large featureless walls that impose a monolithic feeling to the development. Further, the building is completely out-of-character in comparison with surrounding buildings. Surely the architects could have provided a more humane and innovative solution for the street side appearance of the building, taking cues from existing architecture along Lower Water Street?

(2) In Reference [1], in relation to item 3.2.5a of the Design Manual, the city planning staff commented that "The restaurant portion of the building is separated from grade. Entryway was provided at street level to activate that section of street level, but large sections of frontage still remains inactive. Active art installation proposed to respond to this, but no detailed information provided as to what this will be". This is again a shortcoming in providing an adequate street-level environment for both building occupants and surrounding citizens. This produces a street-side environment that is out-of-character with the rest of Lower Water Street and is relatively featureless and bland. The absence of active uses at street level detract from possible business uses and opportunities and detract from the economy of the Halifax Waterfront. The absence of active uses represents a lost opportunity for the local economy.

(3) In relation to items 3.3.1b and 3.3.1c of the Design Manual, City Staff noted that "The building does not respond to the existing context and fine grained character of downtown. The buildings downtown are smaller scale and provide more articulation at the street level with narrow retail frontages at the street edge" and that there is insufficient articulation in the upper portions of the building. This states clearly that the proposed building is out-of-character for the region of the downtown in which it would be located. Upon inspection of the various drawings and plans that were submitted in the proposal documentation it is apparent to us that this is the case. This also indicates that there are fewer retail outlets in the proposal than might otherwise be possible within a building of that size. This represents a lost opportunity for retail business in the downtown core and the Halifax Waterfront.

(4) The variance requests pertaining to sections 3.6.6, 3.6.7, 3.6.8, and 3.6.10 of the Design Manual (that is for maximum tower width and separation, upper storey side yard stepback, maximum height, and Precinct 1 built form) should be refused for the reasons indicated in Reference [1], Section on "Variances", starting on page 7. These variances do not comply with the Design Manual as indicated in the text in Reference [1].

(5) The wind assessment detailed in Reference [1] appears to have been conducted to assess the impact of wind on pedestrians at the base of the building, and for the building itself. It does not appear to have considered the effect of increased winds on the surrounding buildings. It needs to be stated that if several large buildings are near each other, there is an effect known as "channelling" in which wind accelerates by being squeezed through a narrowing space. This may cause wind and wind driven rain problems with the envelopes of adjacent buildings (i.e. Waterfront Place). We find no record that the required study included existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development.

The following are applicable regulations:

*LAND USE BY-LAW
DOWNTOWN HALIFAX*

Wind Impact

(18) Any building or building addition resulting in a height exceeding 20 metres shall only be permitted following consideration of its wind impact pursuant to the performance standards in Schedule S-2.

Schedule S-2: Wind Assessment Performance Standards

General

(1) A new building that is proposed to be greater than 20 metres in height or an addition to a building that will result in the building being greater than 20 metres in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment.

(2) The wind impact assessment shall address:

(a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development.

(b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13):

(i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and

(ii) private amenity spaces such as rooftop gardens.

(c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking.

(d) The methodology and standards used in the assessment.

(6) There is no evidence in Reference [1] of studies to determine whether or not there would be additional traffic congestion in the region surrounding the site of the proposed development. The following are applicable guidelines.

*Guidelines for the Preparation
of Transportation Impact Studies*

"2.0.2 It is not possible to provide generic criteria governing the need for a TIS. However, as a rough guide, a TIS will generally be required if the proposed development or redevelopment will add more than 100 peak-hour, peak-direction person trips to the transportation system. Other factors which may indicate the need for a TIS, even if fewer than 100 peak-hour, peak-direction person trips are projected, include:

- the development or redevelopment proposal incorporates direct vehicular access to a major collector or arterial road;*
- the vehicular traffic generated by the development would result in volume/capacity ratios at a signalized intersection becoming critical (ie. greater than 0.85 overall or for a shared through/turning movement, or greater than 1.0 for an exclusive turning movement);*
- the development or redevelopment proposal is in an area with significant traffic congestion and/or a high expected rate of population or employment growth;*

- *the development or redevelopment proposal requires amendment of the applicable MPS or transportation plan(s); and,*
- *the development or redevelopment proposal is not envisaged by local land-use/transportation plans."*

(7) There is a real possibility that the sound of traffic on Lower Water Street will increase due to reflections between the new building and Waterfront Place. This issue needs to be addressed.

In these economically challenging times surely a primary focus of any new development should be how it may contribute to and improve the local Halifax economy. While this development does bring potentially a few hundred new consumers to the Halifax downtown, this development appears to miss an important opportunity by not maximizing the commercial business opportunities that it might otherwise afford along Lower Water Street and the Halifax Waterfront. It presents an undesirable monolithic appearance to pedestrians and to the occupants of surrounding buildings which is out-of-character for that area of the Halifax downtown. Potential wind and traffic problems have not yet been studied and addressed. The shortfalls highlighted by City Staff in Reference [1] should be addressed to resolve these issues.

Thank you for your attention to this matter.

Regards,



Neate, Leslie

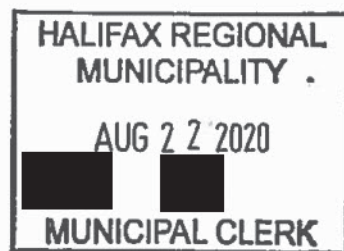
From: [REDACTED]
Sent: Saturday, August 22, 2020 7:39 AM
To: Office, Clerks
Subject: [External Email] Re: Re: [External Email] Approval of Case 22708 (1325 Lower Water Street, Halifax)

[This email has been received from an external person or system]

So for the last minute change, but after some discussions on my end, I would like my memo (R-1 that I submitted August 20) to be added as correspondence accompanying the appeal sent in by the Waterfront Place owners (1326 Lower Water Street).

Thank you,

[REDACTED]



-----Original Message-----

From: [REDACTED]
To: clerks@halifax.ca <clerks@halifax.ca>
Sent: Thu, Aug 20, 2020 04:57 PM
Subject: Re: [External Email] Approval of Case 22708 (1325 Lower Water Street, Halifax)

Maybe. I had questions that I couldn't find answers to. I attached a revised copy with clarification (Revision 1). I added three bullets at the end of the memo to indicate whether I'm appealing or not. Below is a summary of the three bullet points:

If the items I identified as possible issues have NOT been looked at; then YES, I'm submitting it as an appeal (to look at the potential traffic issues and rectify/minimize them prior to approval).

If the items I identified as possible issues have been looked at; and they were found to be issues but they will not be addressed at some point; then YES, I'm submitting it as an appeal (to rectify/minimize all identified traffic issues prior to approval).

If the items I identified as possible issues have been looked at; and they were found to be issues and will be rectified/minimized at some point prior to final approval; the NO, I'm not submitting it as an appeal.

Hope this clarifies things,

[REDACTED]

-----Original Message-----

From: Office, Clerks <clerks@halifax.ca>
To: [REDACTED]
Sent: Thu, Aug 20, 2020 12:00 pm
Subject: RE: [External Email] Approval of Case 22708 (1325 Lower Water Street, Halifax)

Hi, [REDACTED] can you please advise if your intent of the document is to have it submitted as an Appeal?

Regards,

LESLIE NEATE
OFFICE OF THE MUNICIPAL CLERK

HALIFAX

1841 ARGYLE STREET
PO BOX 1749
HALIFAX NS B3J 3A5
T. 902 490 4210
F. 902 490 4208

halifax.ca

From: [REDACTED]
Sent: Thursday, August 20, 2020 9:03 AM
To: Office, Clerks <clerks@halifax.ca>
Cc: [REDACTED]
Subject: [External Email] Approval of Case 22708 (1325 Lower Water Street, Halifax)

[This email has been received from an external person or system]

Please see attached memo outlining my concerns regarding the approval of the development at 1325 Lower Water Street.

Note the attached outlines my concerns relating to traffic safety and operations as that I a subject I am familiar with as a [REDACTED] However, I also signed a petition (to be submitted by others) that outlines numerous concerns on other issues.

Thank you,

[REDACTED]

TO: MUNICIPAL CLERK
FROM: [REDACTED]
SUBJECT: 1325 LOWER WATER STREET APPROVAL (CASE 22708) (REVISION 1)
DATE: 2020-08-20
CC: [REDACTED]

I received a letter the week of August 10, 2020 (dated August 5, 2020) indicating that the Halifax Regional Municipality (HRM) Design Review Committee (DRC) substantially approved the qualitative design of a proposed development at 1325 Lower Water Street (Case 22708) on July 30, 2020.

The letter provided a link to a memo by the HRM Planning and Development Department (P&D Department; dated June 22, 2020) which recommended the application be rejected as presented citing non-conformance to HRM's design guidelines.

Based on my understanding of the subject material, I agree with the P&D Department recommendation to not approve the development as proposed due to not meeting HRM's own guidelines/policies on numerous accounts. As such, I added my name to a petition that details my (and others') concerns. However, I am writing this letter on a specific concern that I have relating to a subject I have experience in [REDACTED]

My concern (in addition to those cited by the P&D Department) relates to the apparent lack of consideration of traffic safety and operations. There is no mention of a Transportation Impact Study (TIS) or any road safety studies in the DRC letter, P&D Department memo, or any attached reports by the developer.

This may be because the effects on traffic are not being considered until later in the process, but it should be done *at some point*. HRM's Guidelines for the Preparation of Transportation Impact Studies (8th Revision) recommends confirming their need early to avoid costly redesigns.

I had minimal time to review the documents, so was unable to review them in detail. However, I have identified the following potential traffic-related issues that I did not see explicitly mentioned that should be addressed prior to final development approval and either confirmed as non-issues or remediated:

- A TIS should be conducted to ensure the traffic along Lower Water Street (and connecting roads) is not negatively impacted. HRM's Guidelines for the Preparation of Transportation Impact Studies (8th Revision) indicates a variety of reasons for requiring a TIS, including the peak-hour traffic generated by the development. The 254 residential units, in addition to the commercial units (of unknown land use) on the street/boardwalk levels are likely to generate more than the 100 peak-hour trip minimum to require a TIS. Additionally, Lower Water Street already experiences heavy peak-hour congestion in part due to the tractor-trailer traffic from the ports.

- The development proposes two parking garages with separate accesses:
 - The north access is planned to be used by the level 1 garage with 39 parking stalls. The garage will exit to the existing property driveway. It is unclear if the adjacent driveway (to Bishop's Landing/1475 Lower Water Street) will remain as is or be combined with the proposed access, but the driveways across Lower Water Street (to Waterfront Place/1326 Lower Water Street and 1360 Lower Water Street) will remain. The safety and operations of these accesses should be reviewed with the additional traffic entering/exiting the development property. The safety of having multiple accesses onto Lower Water Street in such a short section should also be reviewed.
 - The south access is planned to be used by the levels 3 and 4 garage with 90 and 100 parking stalls respectively. The garage will exit to a new extension of Morris Street, which will access Lower Water Street at a fourth leg at the intersection with Morris Street. The safety and operations of the intersection should be reviewed with the additional traffic entering/exiting the development property. Additionally, a signal warrant should be conducted at the intersection to determine if signals are required.

- The operations along Lower Water Street (including the intersections along it) should be reviewed to ensure traffic flow level of service is not significantly reduced along the corridor due to the additional traffic. Traffic along Lower Water Street is currently free-flowing to George Street where there are traffic signals. Additional traffic on Lower Water Street may cause issues for the three stop-controlled side streets (Bishop Street, Salter Street, and Sackville Street) as well as driveways. During peak hours, it is already difficult for side street traffic to access Lower Water Street due to the high traffic volumes which include large amounts of tractor trailers from the ports using Lower Water Street as their main truck route to exit the city.

- There are pre-existing safety issues along Lower Water Street that will not get better with additional traffic from the proposed development. A safety audit along Lower Water Street (including the intersections along it) should be conducted to ensure the safety of all road users along the corridor.

- The sight lines should be checked in the immediate area around the proposed development to ensure the proposed building does not cause issues with sight distances. Motorists, pedestrians, and cyclists should all be able to clearly see each other in the area.

- The property that the proposed development is located on is currently being used as a surface parking lot, providing parking for approximately 200 vehicles. A parking study should be conducted to determine if sufficient parking is available elsewhere.
- Aside from the additional vehicular traffic; there will be increases in pedestrian and cyclist traffic that will need to be accommodated on the local transportation network.
- Although the proposed building is likely to provide illumination, confirmation of sufficient lighting should be provided for visibility and pedestrian safety.

In addition to the reasons cited/discussed by others (P&D Department and letter by owners/residents of 1326 Lower Water Street), I believe there should be multiple traffic studies and, where required, remediation measures implemented in the area to be able to safely support the additional traffic from the proposed development. If the city does not think these are required, their reasoning should be documented. To summarize/clarify:

- If the items I identified as possible issues have *NOT* been looked at; then I am submitting this memo as an appeal (to look at the potential traffic issues and rectify/minimize them prior to approval)
- If the items I identified as possible issues have been looked at and some/all were found to be issues but they will *NOT* be address at some point; then I am submitting this memo as an appeal (to rectify/minimize all identified traffic issues prior to approval)
- If the items I identified as possible issues have been looked at and some/all were found to be issues and will be rectified/minimized at some point prior to final approval; then I am *NOT* submitting this memo as an appeal.

Please consider my suggestions to ensure Lower Water Street (and the surrounding road network) is not negatively impacted by the additional traffic caused by the proposed development. If the development is found to cause traffic safety/operational issues, remediation measures should be implemented.

Regards,

[Redacted signature block]

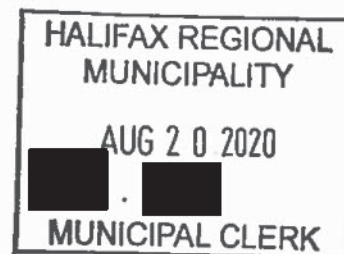
[Redacted line]

[Redacted line]

[Redacted block]

Neate, Leslie

From: [REDACTED]
Sent: Thursday, August 20, 2020 12:23 PM
To: Office, Clerks
Subject: [External Email] Appeal re Case 22708
Attachments: Waterfront Place Petition.pdf



[This email has been received from an external person or system]

Attached is my Appeal re Case 22708 – 1325 Lower Water St. Development. As I have indicated in my cover note, please confirm receipt to [REDACTED]

[REDACTED]



Case: 22708 notice of appeal of the DRC decision July 30th,2020

8 messages



Mon, Aug 17, 1:15 PM

To: clerk@halifax.ca <clerk@halifax.ca>

I wish to appeal this decision:

I am an owner at 1326 Lower Water St, Waterfront Place.

Last week when I received the letter notifying me of this decision I was appalled.

My understanding is that the Cunard site is crown land belonging to all Nova Scotians.

What would cause the committee to think that a 16 story apartment building would be an asset to the Halifax waterfront or the citizens of this province?

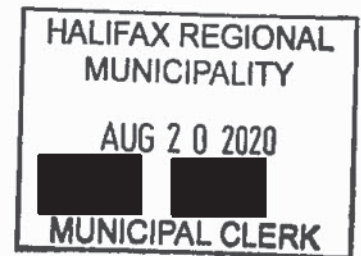
Travel Nova Scotia refers to the waterfront as the jewel of Halifax.

A high rise building will have negative impacts on local residents: obstruction of water view, blocking light and sun, creating wind tunnels and destroying the quality of life we have enjoyed here for many years. We already have serious traffic congestion on lower water St.

Many Port cities are rejuvenating their waterfronts for the benefit of all their citizens. I am sure the decision makers will choose a more suitable use for the Cunard site To benefit all Nova Scotians

I sincerely hope that HRM, the Mayor and Council, Development Nova Scotia and the Design Review Committee will seriously review their decision.

Thank you



Email: [Redacted]

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Mon, Aug 17, 1:15 PM

To: [Redacted]



Municipal Clerk via email

clerks@halifax.ca

Petition against Case 22708 – 1325 Lower Water St. Development

The residents and owners of 1326 Lower Water St., Waterfront Place ask that development approval **NOT** proceed. The overwhelming proposed structure will significantly reduce and in some cases eliminate view and natural sunlight. We believe proper consideration has not been given to the increased noise, wind tunnel and traffic congestion that will be created. The Cunard lot floods and it is irresponsible to allow the structure as proposed to proceed. This crown land is owned by all Nova Scotians and has been entrusted to Develop NS. The City Planners recommended against approval of this but the Design Review Committee ignored the Planners' expertise! This use is a disservice to all Nova Scotians who own the property.

Attached is a list of Owners and Residents of Waterfront Place who support this Appeal:

Please confirm receipt of this Appeal to 



**Petition against Case 22708 – 1325 Lower Water St.
Development**

The residents and owners of 1326 Lower Water St., Waterfront Place asked that development approval **NOT** proceed. The overwhelming proposed structure will significantly reduce and in some cases eliminate view and natural sunlight. We believe proper consideration has not been given to the increased noise, wind tunnel and traffic congestion that will be created. The Cunard lot floods and it is irresponsible to allow the structure as proposed to proceed. This crown land is owned by all Nova Scotians and has been entrusted to Develop NS. This use is a disservice to the Nova Scotian who own the property.

Name	Unit #	Owner / Resident
[REDACTED]	[REDACTED]	<i>Owner</i>
[REDACTED]	[REDACTED]	<i>Owner</i>
[REDACTED]	[REDACTED]	<i>Owner</i>
[REDACTED]	[REDACTED]	<i>Owner</i>
[REDACTED]	[REDACTED]	<i>Owner</i>
[REDACTED]	[REDACTED]	<i>OWNER</i>
[REDACTED]	[REDACTED]	<i>OWNER</i>
[REDACTED]	[REDACTED]	<i>owner</i>
[REDACTED]	[REDACTED]	<i>owner</i>
[REDACTED]	[REDACTED]	<i>Resident</i>
[REDACTED]	[REDACTED]	<i>OWNER</i>

	Name	Unit #	Owner/Resident
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	OWNER
	[REDACTED]	[REDACTED]	Resident
	[REDACTED]	[REDACTED]	Resident
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Resident
	[REDACTED]	[REDACTED]	owner
	[REDACTED]	[REDACTED]	owner
	[REDACTED]	[REDACTED]	owner
	[REDACTED]	[REDACTED]	Owner

August 18, 2020

WATERFRONT PLACE

lfwaterfront.ca

	Name	Unit #	Owner/Resident
	[REDACTED]	[REDACTED]	OWNER
	[REDACTED]	[REDACTED]	OWNER-
	[REDACTED]	[REDACTED]	OWNER
	[REDACTED]	[REDACTED]	OWNER
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Resident
	[REDACTED]	[REDACTED]	Resident
	[REDACTED]	[REDACTED]	Resident
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Resident
	[REDACTED]	[REDACTED]	resident
	[REDACTED]	[REDACTED]	Resident
	[REDACTED]	[REDACTED]	Owner

August 18, 2020

	Name	Unit #	Owner/Resident
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	RESIDENT
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Owner/Resident
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Resident
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Resident
	[REDACTED]	[REDACTED]	owner
	[REDACTED]	[REDACTED]	OWNER
	[REDACTED]	[REDACTED]	OWNER
	[REDACTED]	[REDACTED]	Owner

August 18, 2020

WATERFRONT PLACE

lixwaterfront.ca

	Name	Unit #	Owner/Resident
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	Resident
	[REDACTED]	[REDACTED]	Resident
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	OWNER
	[REDACTED]	[REDACTED]	Owner
	[REDACTED]	[REDACTED]	✓
	[REDACTED]	[REDACTED]	resident
	[REDACTED]	[REDACTED]	OWNER
	[REDACTED]	[REDACTED]	OWNER
	[REDACTED]	[REDACTED]	

August 18, 2020

Neate, Leslie

From: [REDACTED]
Sent: Thursday, August 20, 2020 3:50 PM
To: Office, Clerks
Cc: [REDACTED]
Subject: [External Email] Attn: Municipal Clerk re Appeal Case 22708
Attachments: Appeal case 22708 (Unit [REDACTED]-1326 Lwr Water St Hfx).docx

[This email has been received from an external person or system]

Attn: Municipal Clerk City of Halifax:

Please see attached my request to file an appeal regarding case 22708.
Please register on my behalf.

Personal Cell Phone Contact [REDACTED]

Best regards,

[REDACTED]

[REDACTED]

HALIFAX REGIONAL
MUNICIPALITY .
AUG 20 2020
[REDACTED] [REDACTED]
MUNICIPAL CLERK

WATERFRONT



PLACE

hfxwaterfront.ca

To: Municipal Clerk
PO, Box 1749
Halifax, NS B3J 3A5
Fax: 902-490-4208
Email : clerks@halifax.ca

From:



Notification of appeal case 22708

Dear Municipal Clerk, as the [REDACTED]
[REDACTED] We would like to formally appeal to all variances for the following reasons,

In addition to the reasons mentioned in the Staff recommendation report dated June 22, 2020. We have several other major concerns with the approved variances. I feel the requested variances are not reasonably consistent with the objectives and guidelines of the Design Manual.

- Failure to follow the HRM Community Engagement Strategy- We appeal all 12 of the variances due to the failure of Development Nova Scotia to follow the principles of the HRM Community Engagement Strategy. The level of engagement was information sharing, achieved through the developer's website, public kiosks at HRM Customer Service Centers, and a Public Open House held on August 12, 2019. These variances have been approved in an undemocratic fashion. Most of the people who I talked to attending the meetings had concerns that were not addressed and not even taken note of. The community engagement regarding these variances has been one sided with no opportunity for the public to voice concerns or participate. A signed petition was hand delivered by a waterfront Place resident and it was not

2

mentioned in the "SPECIAL MEETING DRAFT MINUTES July 30, 2020." Even the recordings from the meeting that were neither noted as recorded in the minutes as required or made available to the public. Although it was posted on the internet that the video would be posted within 24 hours of the meeting, only an audio recording was made available on special request 21 days later. This only allowed 2 days to review 5 hours of audio. Not having ample time to review the reasoning behind the committee approving the variances makes it difficult to file a proper appeal.

Here is the applicable legislation

HRM Community Engagement Strategy

"2.1 Defining Community Engagement

Community engagement can be defined as "the process of working collaboratively with and through groups of people to enact positive action. It includes information sharing, consultation and active involvement in decision making".

Residents expect to be involved in the decisions that affect them, and citizen involvement in

deliberations about what is important to them, how their community grows and develops is crucial to more informed government decisions and better service delivery. Effective public engagement taps into the collective knowledge and wisdom of residents and contributes to building more connected, harmonious and resilient communities. When people are involved in initiating and promoting change, the resulting solutions tend to be more successful and lasting.

Community engagement is fundamental to local representative democracy;

"Exclusion, however, "is the shadow of public engagement" 2 and engagement that is too numerous, poorly designed and poorly executed can discourage or even silence significant portions of the community. Each situation requires a tailored approach to engagement. The onus on HRM is to honour local values and traditions, to use a strategic approach to community engagement, to facilitate effective engagement and to clearly communicate to the public the purpose and scope of engagement. It is important to recognize that in a vast majority of cases the final decision rests with the elected municipal representatives – the HRM Regional Council."

- The Staff recommendation report dated June 22, 2020 stated "Staff do not consider this proposal to be reflective of the design intent of the Design Manual and advise that it does not meet the intent of a prominent civic frontage due to the size of the building, the lack of articulation and animation on Lower Water Street, the lack of a narrow point tower and the inability of the proposal to meet the requirements of the Design Manual and Land-use Bylaw." In their report. There is no mention of that being in the meeting. Was consideration given to section 3.4.1b of the SCHEDULE S-1: DESIGN MANUAL?

Variance 1 - Building Height – Architectural Feature on Level 17 Section 8 (8) The Height requirements in subsection (6) and (7) of section 8, and subsection (15C) of Section 7 shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to roof top amenity space, flag pole, antenna, heating, ventilation, air conditioning equipment, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features, shall occupy in the aggregate less than 30% of the area of the roof of the building on which they are located. Section 8 (10) Features referenced in subsection (8) shall be setback no less than 3 metres from the outer most edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features.

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building

4

that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites

Variance 2 – Mid-Rise Building Section 10(4) Above a height of 18.5 metres, or the height of the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than 10% of the lot width or 5.5 metres, whichever is less.

- We appeal this variance because this will cause additional street traffic noise- The sound of traffic on Lower Water Street increase of traffic noise due to reflections between the new building and Waterfront Place.

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

*Design Manual S1
2.1 Precinct 1: Southern Waterfront*

5

d. Ensure that development along Lower Water Street has streetwall and landscaping conditions that emphasize its meandering qualities and emergence as an important street. Encourage measures such as sound-proofing requirements for new development to reduce the conflict created by truck traffic travelling along Lower Water Street.

Variance 3 - High-Rise Building Section 10(9) portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 23 metres between the high-rise portion of other buildings on the same lot or the high-rise portion of the same building on the same lot, where both of the high-rise portions are used for residential purposes.

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This variance will cause increased wind speeds between the towers and may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions,

6

accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

"Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites "

Variance 4 - Building Setbacks and Stepbacks – Terracing building form Section 10(10) Any portion of a building above a height of 33.5 metres shall be a maximum width of 38 metres and a maximum depth of 38 metres.

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This variance will cause increased wind speeds due to the addition width of the building increasing the channelling of the wind through a smaller area and may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide

7

detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height

Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites

Variance 6 – section 11 (1)(c) Maximum height of the building within 30 meters of the OHWM to be 33.7 meters. Maximum height variance is required

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in

9

the assessment.”

“Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites ”

Variance 7 – Precinct 1: Southern Waterfront Section 11(1)(e) The width of any building face parallel to the ordinary high-water mark shall not exceed 21.5 metres; Section 11(1)(g) the width of any low-rise or mid-rise building face parallel to the ordinary high water mark may increase at a rate of 1 metre for every additional 1 metre setback from the ordinary high water mark;

- We appeal this variance because the boardwalk is negatively impacted by abutting development.

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

Schedule S-1: Design Manual

“2.10 Downtown Halifax Waterfront

d. Ensure that the waterfront boardwalk is maintained, extended and improved, and that the public enjoyment of the boardwalk is not negatively impacted by abutting development.”

Variance 8 - section 11(f) Any portion of a building above a height of 33.5 metres shall be a maximum width of 21.5 metres parallel to Lower Water Street and a maximum depth of 38.5 metres

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a

10

narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

"Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public

//

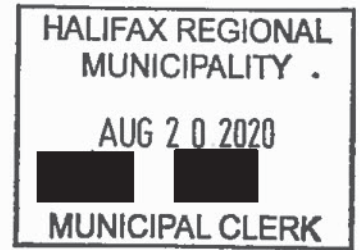
benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites”

Thank you for your attention to this matter,



Neate, Leslie

From: [REDACTED]
Sent: Thursday, August 20, 2020 4:26 PM
To: Office, Clerks
Subject: [External Email] Appeal - Lower Waterfront Street
Attachments: Appeal case 22708 [REDACTED].pdf



[This email has been received from an external person or system]

Dear Municipal Clerks of the City of Halifax

As a concerned owner of a unit at Waterfront Place, I would like to express my concern and objection to the proposed building development. Please see my attached letter.

Kind Regards,

[REDACTED]

WATERFRONT



PLACE

hfxwaterfront.ca

To: Municipal Clerk
PO, Box 1749
Halifax, NS B3J 3A5
Fax: 902-490-4208
Email : clerks@halifax.ca

From:



Notification of appeal case 22708

Dear Municipal Clerk, as a member of HCCC#38 owner of unit [REDACTED] 1326 Lower Water Street. We would like to formally appeal to all variances for the following reasons,

In addition to the reasons mentioned in the Staff recommendation report dated June 22, 2020. We have several other major concerns with the approved variances. I feel the requested variances are not reasonably consistent with the objectives and guidelines of the Design Manual.

- Failure to follow the HRM Community Engagement Strategy- We appeal all 12 of the variances due to the failure of Development Nova Scotia to follow the principles of the HRM Community Engagement Strategy. The level of engagement was information sharing, achieved through the developer's website, public kiosks at HRM Customer Service Centers, and a Public Open House held on August 12, 2019. These variances have been approved in an undemocratic fashion. Most of the people who I talked to attending the meetings had concerns that were not addressed and not even taken note of. The community engagement regarding these variances has been one sided with no opportunity for the public to voice concerns or participate. A signed petition was hand delivered by a waterfront Place resident and it was not mentioned in the "SPECIAL MEETING DRAFT MINUTES July 30, 2020." Even the recordings from the meeting that were neither noted as recorded in the minutes as required or made available to the public. Although it was posted on the internet that the video would be posted within 24 hours of the meeting, only an audio recording

was made available on special request 21 days later. This only allowed 2 days to review 5 hours of audio. Not having ample time to review the reasoning behind the committee approving the variances makes it difficult to file a proper appeal.

Here is the applicable legislation

HRM Community Engagement Strategy

"2.1 Defining Community Engagement

Community engagement can be defined as "the process of working collaboratively with and through groups of people to enact positive action. It includes information sharing, consultation and active involvement in decision making".

Residents expect to be involved in the decisions that affect them, and citizen involvement in

deliberations about what is important to them, how their community grows and develops is crucial to more informed government decisions and better service delivery. Effective public engagement taps into the collective knowledge and wisdom of residents and contributes to building more connected, harmonious and resilient communities. When people are involved in initiating and promoting change, the resulting solutions tend to be more successful and lasting.

Community engagement is fundamental to local representative democracy;

"Exclusion, however, "is the shadow of public engagement" 2 and engagement that is too numerous, poorly designed and poorly executed can discourage or even silence significant portions of the community. Each situation requires a tailored approach to engagement. The onus on HRM is to honour local values and traditions, to use a strategic approach to community engagement, to facilitate effective engagement and to clearly communicate to the public the purpose and scope of engagement. It is important to recognize that in a vast majority of cases the final decision rests with the elected municipal representatives - the HRM Regional Council."

- The Staff recommendation report dated June 22, 2020 stated "Staff do not consider this proposal to be reflective of the design intent of the Design Manual and advise that it does not meet the intent of a prominent civic frontage due to the size of the building, the lack of articulation and animation on Lower Water Street, the lack of a narrow point tower and the inability of the proposal to meet the requirements of the Design Manual and Land-use Bylaw." In their report. There is no mention of that being in the meeting. Was consideration given to section 3.4.1b of the SCHEDULE S-1: DESIGN MANUAL?

Variance 1 - Building Height – Architectural Feature on Level 17 Section 8 (8) The Height requirements in subsection (6) and (7) of section 8, and subsection (15C) of Section 7 shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to roof top amenity space, flag pole, antenna, heating, ventilation, air conditioning equipment, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features, shall occupy in the aggregate less than 30% of the area of the roof of the building on which they are located. Section 8 (10) Features referenced in subsection (8) shall be setback no less than 3 metres from the outer most edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features.

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions,

accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites

Variance 2 – Mid-Rise Building Section 10(4) Above a height of 18.5 metres, or the height of the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than 10% of the lot width or 5.5 metres, whichever is less.

- We appeal this variance because this will cause additional street traffic noise- The sound of traffic on Lower Water Street increase of traffic noise due to reflections between the new building and Waterfront Place.

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

Design Manual S1

2.1 Precinct 1: Southern Waterfront

d. Ensure that development along Lower Water Street has streetwall and landscaping conditions that emphasize its meandering qualities and emergence as an important street. Encourage measures such as sound-proofing requirements for new development to reduce the conflict created by truck traffic travelling along Lower

Water Street.

Variance 3 - High-Rise Building Section 10(9) portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 23 metres between the high-rise portion of other buildings on the same lot or the high-rise portion of the same building on the same lot, where both of the high-rise portions are used for residential purposes.

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This variance will cause increased wind speeds between the towers and may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other

open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

"Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites "

Variance 4 - Building Setbacks and Stepbacks – Terracing building form Section 10(10) Any portion of a building above a height of 33.5 metres shall be a maximum width of 38 metres and a maximum depth of 38 metres.

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This variance will cause increased wind speeds due to the addition width of the building increasing the channelling of the wind through a smaller area and may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff

recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites

Variance 6 – section 11 (1)(c) Maximum height of the building within 30 meters of the OHWM to be 33.7 meters. Maximum height variance is required

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

"Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as

shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites "

Variance 7 – Precinct 1: Southern Waterfront Section 11(1)(e) The width of any building face parallel to the ordinary high-water mark shall not exceed 21.5 metres; Section 11(1)(g) the width of any low-rise or mid-rise building face parallel to the ordinary high water mark may increase at a rate of 1 metre for every additional 1 metre setback from the ordinary high water mark;

- We appeal this variance because the boardwalk is negatively impacted by abutting development.

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

Schedule S-1: Design Manual

"2.10 Downtown Halifax Waterfront

d. Ensure that the waterfront boardwalk is maintained, extended and improved, and that the public enjoyment of the boardwalk is not negatively impacted by abutting development."

Variance 8 - section 11(f) Any portion of a building above a height of 33.5 metres shall be a maximum width of 21.5 metres parallel to Lower Water Street and a maximum depth of 38.5 metres

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features

on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

"Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre

in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites"

Thank you for your attention to this matter,



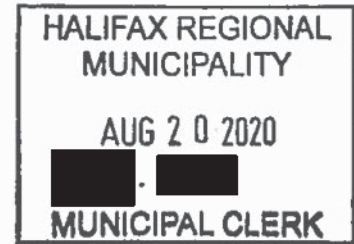
Neate, Leslie

From: [REDACTED]
Sent: Wednesday, August 19, 2020 7:21 PM
To: Office, Clerks
Subject: [External Email] Appeal of site plan approval for 1325 Lower Water St.

[This email has been received from an external person or system]

19-Aug-20

Municipal Clerk
PO, Box 1749
Halifax, NS B3J 3A5
Fax : 902-490-4208
Email : clerks@halifax.ca



To Whom It May Concern,

Please confirm receipt of this letter by return email.

I would like to formally appeal the decision of the Design Review Committee of the Halifax Regional Municipality to approve the site plan of Southwest Properties at the location of 1325 Lower Water Street Halifax.

As an owner [REDACTED] and resident of Waterfront Place at 1326 Lower Water Street I have serious concerns about this development, and particularly the fact that the committee has approved the site plan against the recommendations of the Halifax Director of Planning and Development.

The new development is not compliant with the following design manual sections 2.1c, 2.10i, 3.1.1a, 3.2.1a, 3.2.1f, 3.2.5a, 3.3.1b, 3.3.1c, 3.6.6, 3.6.7, 3.6.8, and 3.6.10 as was noted in the July 30, 2020 Development Nova Scotia meeting.

My concerns about this site plan include:

Wind impact: if several large buildings are near each other, there is an effect known as "channelling", where wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. I am aware that a Pedestrian Wind Comfort Assessment has been completed but find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development, has been completed.

Additional traffic congestion: I am not aware of any traffic impact study that has been completed. In recent years traffic on Lower Water Street during rush hour has become very congested, particularly during tourist season from spring to fall. [REDACTED] – my drive goes fairly smoothly from [REDACTED] until I get to Morris St. and then due to traffic back-up on Lower Water St. it can take an inordinate amount of time just to get to the entry of the Waterfront Place parking garage. With commuters leaving the Port and Emera, among other businesses, there is already too much traffic for Lower Water St. to handle, and with the development of Queen's Marque there is a bottleneck that leads to backlog the length of Lower Water St. and beyond to adjoining streets. Addition of this proposed residential and commercial space will exacerbate this problem significantly.

Additional street traffic noise: the sound of traffic on Lower Water Street increase of traffic noise due to reflections between the new building and Waterfront Place. This effect will be compounded due to the building layout being wider and taller than permitted by the Downtown Land use Bylaws.

Increased shade: the new development being over twice as high as the Waterfront place will block out the sun from my properties during the morning.

Failure to follow the HRM Community Engagement Strategy: all community engagement regarding these variances has been one sided, with no opportunity for the public to voice concerns.

Parking: given the recent developments and approved developments on the waterfront 1325 Lower Water St. is and will be one of the only remaining parking areas near the waterfront. I have noticed the usage of this parking lot increase in recent years with many people coming from other parts of the city and parking there to enjoy the waterfront and support the many restaurants and other businesses and events in the area. If this parking area is removed, I believe it will cause the area streets to be more congested and will deter people who do not live in the downtown/waterfront area from coming here to support the local businesses and events. Personally I will end up leaving the area to go to other parts of the city to meet family and friends because they will have difficulty and will not be interested in coming to the waterfront area when traffic is more congested than ever and parking more limited than ever. This is the opposite of what Halifax needs to support a vibrant downtown/waterfront area.

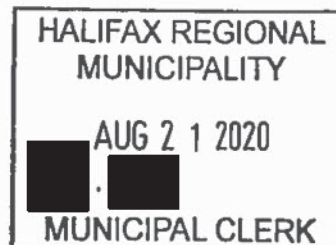
Please reconsider the approval of this development.

Best Regards,



Stewart, April

From: [REDACTED]
Sent: Thursday, August 20, 2020 7:54 PM
To: Office, Clerks
Subject: [External Email] Notification of Appeal Case 22708
Attachments: Appeal case 22708 -1325 Lr. Water St.docx



[This email has been received from an external person or system]

Dear Sir/Madam:

Attached you will find my formal appeal in response to the Notification of Appeal Case 22708 regarding the development approval at 1325 Lower Water Street, Halifax.

Yours truly,

[REDACTED]

WATERFRONT



PLACE

hfxwaterfront.ca

August 20, 2020

To: Municipal Clerk
PO, Box 1749
Halifax, NS B3J 3A5
Fax: 902-490-4208
Email : clerks@halifax.ca

From:



Notification of appeal case 22708

Dear Municipal Clerk:

As the owner of HCCC#38 [REDACTED] 1326 Lower Water Street, I hereby formally appeal all approved variances for the following reasons, in addition to the reasons mentioned in the Staff recommendation report dated June 22, 2020. The requested variances are not reasonably consistent with the objectives and guidelines of the Design Manual.

- Failure to follow the HRM Community Engagement Strategy- I and my fellow condominium unit owners at Waterfront Place appeal all 12 of the variances due to the failure of Development Nova Scotia to follow the principles of the HRM Community Engagement Strategy. The level of engagement was information sharing, achieved through the developer's website, public kiosks at HRM Customer Service Centers, and a Public Open House held on August 12, 2019. These variances have been approved in an undemocratic fashion. Most of the people with whom I spoke who attended the meetings had concerns that were not addressed and not even taken note of. The community engagement regarding these variances has been one sided with no opportunity for the public to voice concerns or participate. A signed petition was hand delivered by a waterfront Place resident and it was not mentioned in the "SPECIAL MEETING DRAFT MINUTES July 30, 2020." Even the recordings from the meeting were neither noted as recorded in the minutes as required nor made available to the public. Although it was posted on the internet

that the video would be posted within 24 hours of the meeting, only an audio recording was made available on special request 21 days later. This only allowed 2 days to review 5 hours of audio. Not having ample time to review the reasoning behind the committee approving the variances makes it difficult to file a proper appeal.

Here is the applicable legislation

HRM Community Engagement Strategy

"2.1 Defining Community Engagement

Community engagement can be defined as "the process of working collaboratively with and through groups of people to enact positive action. It includes information sharing, consultation and active involvement in decision making".

Residents expect to be involved in the decisions that affect them, and citizen involvement in deliberations about what is important to them, how their community grows and develops is crucial to more informed government decisions and better service delivery. Effective public engagement taps into the collective knowledge and wisdom of residents and contributes to building more connected, harmonious and resilient communities. When people are involved in initiating and promoting change, the resulting solutions tend to be more successful and lasting.

Community engagement is fundamental to local representative democracy;

"Exclusion, however, "is the shadow of public engagement" 2 and engagement that is too numerous, poorly designed and poorly executed can discourage or even silence significant portions of the community. Each situation requires a tailored approach to engagement. The onus on HRM is to honour local values and traditions, to use a strategic approach to community engagement, to facilitate effective engagement and to clearly communicate to the public the purpose and scope of engagement. It is important to recognize that in a vast majority of cases the final decision rests with the elected municipal representatives – the HRM Regional Council."

- The Staff recommendation report dated June 22, 2020 stated "Staff do not consider this proposal to be reflective of the design intent of the Design Manual and advise that it does not meet the intent of a prominent civic frontage due to the size of the building, the lack of articulation and animation on Lower Water Street, the lack of a narrow point tower and the inability of the proposal to meet the requirements of the Design Manual and Land-use Bylaw." In their report. There is no mention of that being in the meeting. Was consideration given to section 3.4.1b of the SCHEDULE S-1: DESIGN MANUAL?

Variance 1 - Building Height – Architectural Feature on Level 17 Section 8 (8) The Height requirements in subsection (6) and (7) of section 8, and subsection (15C) of Section 7 shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to roof top amenity space, flag pole, antenna, heating, ventilation, air conditioning equipment, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features, shall occupy in the aggregate less than 30% of the area of the roof of the building on which they are located. Section 8 (10) Features referenced in subsection (8) shall be setback no less than 3 metres from the outer most edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features.

- I appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. I am aware that a Pedestrian Wind Comfort Assessment has been completed but I find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact

assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment.”

Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites

Variance 2 – Mid-Rise Building Section 10(4) Above a height of 18.5 metres, or the height of the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than 10% of the lot width or 5.5 metres, whichever is less.

- I appeal this variance because this will cause additional street traffic noise- The increase of already heavy traffic noise on Lower Water Street due to reflections between the new building and Waterfront Place.

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

Design Manual S1

2.1 Precinct 1: Southern Waterfront

d. Ensure that development along Lower Water Street has streetwall and landscaping conditions that emphasize its meandering qualities and emergence as an important street. Encourage measures such as sound-proofing requirements for new

5

development to reduce the conflict created by truck traffic travelling along Lower Water Street.

Variance 3 - High-Rise Building Section 10(9) portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 23 metres between the high-rise portion of other buildings on the same lot or the high-rise portion of the same building on the same lot, where both of the high-rise portions are used for residential purposes.

- I appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This variance will cause increased wind speeds between the towers and may cause wind and wind driven rain problems with the Waterfront Place building envelope. I am aware that a Pedestrian Wind Comfort Assessment has been completed but I find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-

6

Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

"Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites "

Variance 4 - Building Setbacks and Stepbacks – Terracing building form Section 10(10) Any portion of a building above a height of 33.5 metres shall be a maximum width of 38 metres and a maximum depth of 38 metres.

- I appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This variance will cause increased wind speeds due to the addition width of the building increasing the channelling of the wind through a smaller area and may cause wind and wind driven rain problems with the Waterfront Place building envelope. I am aware that a Pedestrian Wind Comfort Assessment has been completed but I find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

7

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height

Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites

Variance 6 – section 11 (1)(c) Maximum height of the building within 30 meters of the OHWM to be 33.7 meters. Maximum height variance is required

- I appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. I am aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

"Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as

shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites "

Variance 7 – Precinct 1: Southern Waterfront Section 11(1)(e) The width of any building face parallel to the ordinary high-water mark shall not exceed 21.5 metres; Section 11(1)(g) the width of any low-rise or mid-rise building face parallel to the ordinary high water mark may increase at a rate of 1 metre for every additional 1 metre setback from the ordinary high water mark;

- I appeal this variance because the boardwalk is negatively impacted by abutting development.

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

Schedule S-1: Design Manual

"2.10 Downtown Halifax Waterfront

d. Ensure that the waterfront boardwalk is maintained, extended and improved, and that the public enjoyment of the boardwalk is not negatively impacted by abutting development."

Variance 8 - section 11(f) Any portion of a building above a height of 33.5 metres shall be a maximum width of 21.5 metres parallel to Lower Water Street and a maximum depth of 38.5 metres

- I appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. I am aware that a Pedestrian Wind Comfort Assessment has been completed but I find no record that the required study including existing conditions, accounting for buildings and other physical features

10

on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

"Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre

11

in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites”

Thank you for your attention to this matter,

Yours truly,

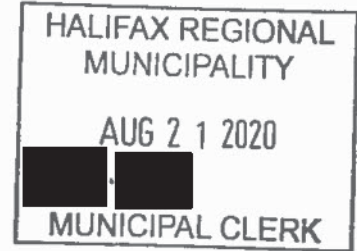


Stewart, April

From: [REDACTED]
Sent: Friday, August 21, 2020 1:07 PM
To: Office, Clerks
Subject: [External Email] Notification of Appeal: Case 22708

[This email has been received from an external person or system]

To: Municipal Clerk
P.O. Box 1749
Halifax, N.S., B3J 3A5
Fax: 902 490 4208
Email: clerks@halifax.ca



From: [REDACTED]

Notification of Appeal: Case 22708

Dear Municipal Clerk:

As owner of [REDACTED] 1326 Lower Water St., I would like to formally appeal Case 22708. My concerns are as follows:

1. Building height resulting in wind impact/channelling.
2. Additional traffic congestion.
3. Additional street traffic/noise.
4. Increased shade as a result of increased building height.
5. Failure to follow the HRM Community Engagement Strategy.
6. The boardwalk is negatively impacted by the abutting development.

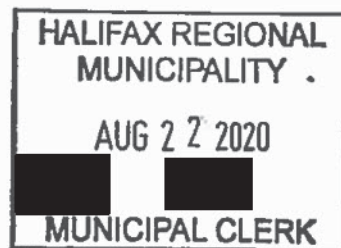
The [REDACTED] has filed an appeal on behalf of [REDACTED] and I share the concerns outlined in that appeal. Thank you for your attention to this matter.

Sincerely,

[REDACTED]

Neate, Leslie

From: [REDACTED]
Sent: Friday, August 21, 2020 5:02 PM
To: Office, Clerks
Subject: [External Email] Appeal against Case 22708
Attachments: Notification of appeal case 22708, [REDACTED].pdf



[This email has been received from an external person or system]

Dear Municipal Clerk,

I'm writing to pose my serious concerns on Case 22708 - 1325 Lower Water Street Development. Please see the attached petition.

Regards,

[REDACTED]

WATERFRONT



PLACE

hfxwaterfront.ca

To: Municipal Clerk
PO, Box 1749
Halifax, NS B3J 3A5
Fax: 902-490-4208
Email : clerks@halifax.ca

From:



Notification of appeal case 22708

Dear Municipal Clerk, as the owner of [REDACTED] 1326 Lower Water Street. I would like to formally appeal to all variances for the following reasons,

Variance Category 3: Maximum Height Variance The applicant is requesting two variances to the maximum height requirements for this application. Section 8(8) of the LUB (Variance #1) requires that a mechanical penthouse shall not occupy more than 30% of the roof area. Additionally, Section 11(1)c (Variance #6) states that the maximum height of a building within 30 m of the Ordinary High-Water Mark (OHWM) is 12.5 m, which may be increased by 1 m for each additional metre of setback from the OHWM. Section 8(11) of the LUB provides the ability to vary the requirements for section 10(4) where the relaxation is consistent with the criteria of the Design Manual. Section 3.6.8 of the Design Manual allows for a variance to maximum height requirements of the LUB subject to meeting certain conditions as outlined in Attachment E. Of the potential conditions for a variance, this application is being requested under the following provisions: 1. The rooftop mechanical occupies more than 30% of the roof area, which means that it is no longer exempt from height and must be included in the calculation for height. The applicant is requesting to vary the 30% requirement for rooftop coverage so that the mechanical structure remains exempt from the height restrictions. Section 3.6.8a and 3.6.8b are the requested considerations for variances for this part of the building. Section 3.6.8b allows for the consideration of additional height if it is for rooftop architectural features and the additional height does not result in an increase in gross floor area. The mechanical is designed in such a way as to add an architectural feature to the top of the building and does not include any usable building floor area. The mechanical includes a parapet around the building that should be included in the height variance. As this request is for mechanical on the roof, staff advise that it meets the requirements of the Design Manual. 2. The second request

2

for a height variance is for the portions of the building that are within 30 m of the OHWM. The longer portion of the building that runs parallel to the northern section of the OHWM has a maximum height of 12.5 m + the additional setback, which is 21.2 m for a total permitted height of 31.37 m. The section of the building that is perpendicular to the northern section of the OHWM has a railing that is 60 cm taller than the permitted 31.37 m (12.5 m+ additional setback of 18.87 m). The north-east face of the building on levels 12, 13, 14, 15 and 16 are within the 30 m of the OHWM and over the 33.7m of the maximum height, up to a maximum height of approximately 50 m at the 16th level. Additionally, a portion of the railings on the mid-rise portion of the building at the north-east are above the maximum height. This is within the Precinct 1 built form criteria and must meet both the variance requirements of section 3.6.8 regarding height and 3.6.10 regarding Precinct 1 Built Form. The application meets the requirement for 3.6.10 in that it fills Case 22708: 1325 Lower Water St., Halifax Design Review Committee - 9 - July 30, 2020 existing gaps created by vacant properties or parking lots with new development, but it is unclear how it meets section 3.6.8. In addition to the universal requirement to be consistent with the objectives and guidelines of the design manual, the allowable variance criteria for height is one of four criteria: 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. The requested variance is not for a rooftop architectural feature and does result in increased gross floor area, so b) does not apply. The maximum building height of this proposal exceeds the maximum permitted building height and the portion of the site subject to a view plane does not have a building within it, so c) does not apply. The portions of the building that require a height variance are for large sections of the middle part of the tower and do not provide any additional design elements that would allow for the consideration of d). Lastly, the building is not a heritage building and therefore e) does not apply. There is no variance criterion which applies to this context. As such, staff do not recommend the approval of this variance as it does not meet the requirements of the Design Manual.

Our reasons for appealing variance 1 and 6 are as follows.

- Wind impact- if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed.

Here are the regulations.

LAND USE BY-LAW
DOWNTOWN HALIFAX

Wind Impact

(18) Any building or building addition resulting in a height exceeding 20 metres shall only be permitted following consideration of its wind impact pursuant to the

3

performance standards in Schedule S-2.

Schedule S-2: Wind Assessment Performance Standards

General

(1) A new building that is proposed to be greater than 20 metres in height or an addition to a building that will result in the building being greater than 20 metres in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment.

(2) The wind impact assessment shall address:

(a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development.

(b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13):

(i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and

(ii) private amenity spaces such as rooftop gardens.

(c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking.

(d) The methodology and standards used in the assessment.

- Additional traffic congestion. We are not aware of any traffic impact study that has been completed.

Guidelines for the Preparation of Transportation Impact Studies

"2.0.2 It is not possible to provide generic criteria governing the need for a TIS. However, as a rough guide, a TIS will generally be required if the proposed development or redevelopment will add more than 100 peak-hour, peak-direction person trips to the transportation system. Other factors which may indicate the need for a TIS, even if fewer than 100 peak-hour, peak-direction person trips are projected, include:

- the development or redevelopment proposal incorporates direct vehicular access to a major collector or arterial road;
- the vehicular traffic generated by the development would result in volume/capacity ratios at a signalized intersection becoming critical (ie. greater than 0.85 overall or for a shared through/turning movement, or greater than 1.0 for an exclusive turning movement);
- the development or redevelopment proposal is in an area with significant traffic congestion and/or a high expected rate of population or employment growth;
- the development or redevelopment proposal requires amendment of the applicable MPS or transportation plan(s); and,
- the development or redevelopment proposal is not envisaged by local land-use/transportation plans."

- Failure to follow the HRM Community Engagement Strategy- A community engagement regarding these variances has been one sided with no opportunity for the public to voice concerns.

HRM Community Engagement Strategy

"2.1 Defining Community Engagement

Community engagement can be defined as "the process of working collaboratively with and through groups of people to enact positive action. It includes information sharing, consultation and active involvement in decision making".

Residents expect to be involved in the decisions that affect them, and citizen involvement in deliberations about what is important to them, how their community grows and develops is crucial to more informed government decisions and better service delivery. Effective public engagement taps into the collective knowledge and wisdom of residents and contributes to building more connected, harmonious and resilient communities. When people are involved in initiating and promoting change, the resulting solutions tend to be more successful and lasting.

Community engagement is fundamental to local representative democracy;

"Exclusion, however, "is the shadow of public engagement" 2 and engagement that is too numerous, poorly designed and poorly executed can discourage or even silence significant portions of the community. Each situation requires a tailored approach to engagement. The onus on HRM is to honour local values and traditions, to use a strategic approach to community engagement, to facilitate effective engagement and to clearly communicate to the public the purpose and scope of engagement. It is important to recognize that in a vast majority of cases the final decision rests with the elected municipal representatives – the HRM Regional Council."

Variance Category 4: Precinct 1 Built Form Variance This proposal requires four variances in this category. Section 11(1)c of the LUB (Variance #6) requires the maximum height of the building within 30 m of the OHWM to be no greater than 12.5 m; Section 11(1)e (Variance #7) of the LUB, the maximum width of a building parallel to OHWM is 21.5 m. Section 11(1)f (Variance #8) states that the maximum width of any portion of a building above a height of 33.5 m shall be 21.5 m parallel to Lower Water Street and a maximum depth of 38.5 m. Finally, Section 11(1)h (Variance #9) requires buildings on lots with a streetline width greater than 27.5 m shall be setback from interior lot lines no less than 10% of the lot width or 8 m, whichever is less. These sections of the LUB provide additional oversight on the design of buildings within this area. As mentioned earlier in the report, Section 3.4.9 of the Downtown Halifax MPS describes the importance of the Halifax Waterfront and prescribes enhanced design direction in this area to respond to the significance of the precinct. Schedule W of the LUB as well as the additional design requirements of 2.10 in the Design Manual are the tools used to achieve the design intent. The intent of the Plan is to create buildings with a point tower, with heights that step down as it approaches the waterfront to reduce shadow on the public space and to provide visual and public access to the waterfront. The proposal requires 3 variances to enable the design, which would allow for a larger, wider and taller building

5

than envisioned in the plan. The building design also reduces access to sun as it is massed and sited towards the southern property line in such a way that the proposed plaza area will be in shade for much of the day. Section 11(1)f restricts the maximum dimension of a building face parallel to the OHWM to 21.5m. This may be increased by 1m for every additional metre that the building is setback from the OHWM setback. In this case (Variance #7), the maximum permitted building dimension facing the OHWM is 35.8m and the applicant has proposed 44m for the low-rise portion of the building. This criterion could be met by modulating the building face with recesses or offsets, but the applicant is not pursuing this option. Section 11(2) of the LUB provides the ability to vary the requirements for Section 11(1) where the relaxation is consistent with the criteria of the Design Manual. Section 3.6.10 of the Design Manual allows for a variance to Precinct 1 Built Form Requirements subject to meeting certain conditions as outlined in Attachment D. Of the potential conditions for a variance, these 3 variances are being requested under the provision of 3.6.10a which is to fill existing gaps created by vacant properties or parking lots with new development. While the site is an existing parking lot and these requested variances meet this requirement, Case 22708: 1325 Lower Water St., Halifax Design Review Committee - 10 - July 30, 2020 they must also meet the criteria for height, tower dimension and setbacks as discussed in the other sections. Refer to each applicable section for further discussion on each variance. Staff recommend refusal of Variance #6 and Variance #8. Staff advise that Variance #7 and Variance #9 meet the requirements of the Design Manual.

Our reasons for appealing this variance 7 and 8 are as follows.

- Additional traffic congestion. We are not aware of any traffic impact study that has been completed.

Guidelines for the Preparation of Transportation Impact Studies

"2.0.2 It is not possible to provide generic criteria governing the need for a TIS.

However, as a

rough guide, a TIS will generally be required if the proposed development or redevelopment will add more than 100 peak-hour, peak-direction person trips to the

transportation system. Other factors which may indicate the need for a TIS, even if fewer

than 100 peak-hour, peak-direction person trips are projected, include:

- the development or redevelopment proposal incorporates direct vehicular access to a

major collector or arterial road;

- the vehicular traffic generated by the development would result in volume/capacity ratios

at a signalized intersection becoming critical (ie. greater than 0.85 overall or for a shared through/turning movement, or greater than 1.0 for an exclusive turning movement);

6

- the development or redevelopment proposal is in an area with significant traffic congestion and/or a high expected rate of population or employment growth;
 - the development or redevelopment proposal requires amendment of the applicable MPS or transportation plan(s); and,
 - the development or redevelopment proposal is not envisaged by local land-use/ transportation plans.”
- Additional Street traffic noise- The sound of traffic on Lower Water Street increase of traffic noise due to reflections between the new building and Waterfront Place.
 - Failure to follow the HRM Community Engagement Strategy- A community engagement in regard to these variances has be one sided with no opportunity for the public to voice concerns.

HRM Community Engagement Strategy

“2.1 Defining Community Engagement

Community engagement can be defined as “the process of working collaboratively with and through groups of people to enact positive action. It includes information sharing, consultation and active involvement in decision making”.

Residents expect to be involved in the decisions that affect them, and citizen involvement in

deliberations about what is important to them, how their community grows and develops is crucial to more informed government decisions and better service delivery. Effective public engagement taps into the collective knowledge and wisdom of residents and contributes to building more connected, harmonious and resilient communities. When people are involved in initiating and promoting change, the resulting solutions tend to be more successful and lasting.

Community engagement is fundamental to local representative democracy;

“Exclusion, however, “is the shadow of public engagement” 2 and engagement that is too numerous, poorly designed and poorly executed can discourage or even silence significant portions of the community. Each situation requires a tailored approach to engagement. The onus on HRM is to honour local values and traditions, to use a strategic approach to community engagement, to facilitate effective engagement and to clearly communicate to the public the purpose and scope of engagement. It is important to recognize that in a vast majority of cases the final decision rests with the elected municipal representatives – the HRM Regional Council.”

variance 1 and 6 variance 7 and 8

Our reasons for appealing this variance #2, #3, #4, #5 #9, #10, #11 and #12 are as follows.

- Failure to follow the HRM Community Engagement Strategy- A community engagement in regard to these variances has be one sided with no opportunity for the public to voice concerns.

7

HRM Community Engagement Strategy

"2.1 Defining Community Engagement

Community engagement can be defined as "the process of working collaboratively with and through groups of people to enact positive action. It includes information sharing, consultation and active involvement in decision making".

Residents expect to be involved in the decisions that affect them, and citizen involvement in

deliberations about what is important to them, how their community grows and develops is crucial to more informed government decisions and better service delivery. Effective public engagement taps into the collective knowledge and wisdom of residents and contributes to building more connected, harmonious and resilient communities. When people are involved in initiating and promoting change, the resulting solutions tend to be more successful and lasting.

Community engagement is fundamental to local representative democracy;

"Exclusion, however, "is the shadow of public engagement" 2 and engagement that is too numerous, poorly designed and poorly executed can discourage or even silence significant portions of the community. Each situation requires a tailored approach to engagement. The onus on HRM is to honour local values and traditions, to use a strategic approach to community engagement, to facilitate effective engagement and to clearly communicate to the public the purpose and scope of engagement. It is important to recognize that in a vast majority of cases the final decision rests with the elected municipal representatives – the HRM Regional Council."

Thank you for your attention to this matter.

Regards,


Owner of 
Waterfront Place



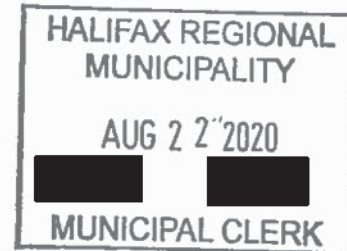
WATERFRONT



PLACE

hfxwaterfront.ca

To: Municipal Clerk
PO, Box 1749
Halifax, NS B3J 3A5
Fax: 902-490-4208
Email : clerks@halifax.ca



From:



Dear Municipal Clerk,

As the [REDACTED] 1326 Lower Water Street. I would like to express my utmost concerns to the development of 1325 Lower Water St. (Case 22708). I asked that the development approval NOT proceed.

I believe proper consideration has not been given to the increased noise, wind tunnel, and traffic congestion that will be created. The Cunard lot floods, and it is irresponsible to allow the structure as proposed to proceed. The overwhelming proposed structure will significantly reduce and in some cases eliminate view and natural sunlight. This crown land is owned by all Nova Scotians and has been entrusted to Develop NS. This use is a disservice to the Nova Scotians who own the property.

I, along with many others, am extremely worried about the fact that The Design Review Committee of Halifax Regional Municipality, on July 30th, 2020, have approved the development of a 16-story building on the Cunard Lot, the parking lot directly across from our residence, the Waterfront Place.

Thank you for your attention to this matter.

Sincerely,

[REDACTED]
Owner of [REDACTED]
Waterfront Place

Neate, Leslie

From: [REDACTED]
Sent: Saturday, August 22, 2020 12:55 PM
To: Office, Clerks
Subject: [External Email] [REDACTED].docx
Attachments: [REDACTED].docx; ATT00001.txt

HALIFAX REGIONAL
MUNICIPALITY .
AUG 22 '2020
[REDACTED] [REDACTED]
MUNICIPAL CLERK

Please confirm receipt of attached appeal document

[REDACTED]

Municipal Clerk
PO, Box 1749
Halifax, NS B3J 3A5
Fax: 902-490-4208
Email: clerks@halifax.ca

This letter is regarding “Case 22708” which deals with the “application by Southwest Properties requesting substantive site plan approval for a mixed used building on lands at 1325 Lower Water Street, Halifax.” As stated in the letter dated August 5, 2020, I, [REDACTED] property owner of [REDACTED] “have the right to appeal the decision of the Design Review Committee to Regional Council in accordance with the provisions of the *Halifax Regional Municipality Charter*.”

The concerns that are raised in regards to the approval of this development are as follows:

- 1) As the owner of the aforementioned property, I will be subjugated to what is referred to as “wind impact.” The “channelling” which would be caused by the wind impact due to the development of this building would lead to wind and wind-driven rain problems within the shared waterfront space. Even if a Pedestrian Wind Comfort Assessment may have been performed it could not have possibly accounted for the decrease in space the new building would cause, as well as other physical factors that are bound to present themselves due to this new development.
- 2) The issue of additional street noise is also worrisome. As one can foresee, the new development would welcome more foot and vehicle traffic. This would prevent tenants of 1326 Lower Water Street, Halifax, to enjoy the limited piece of quietness they currently have. A significant number of the tenants are of an older demographic too. This would potentially lead to an increase in stress and a decline in health as these tenants would constantly be bothered with the significant noise levels.
- 3) Additionally, the development of this building would block the waterfront views of certain tenants. These tenants are entitled to this view as they pay their fair share of property taxes, condominium fees and mortgages to enjoy what they have rightfully earned.

These concerns and several other issues can be raised against the approval to develop the aforementioned mixed-used building located at 1325 Lower Water Street, Halifax. It is only fair to listen to and appreciate the concerns of the current residents of this area. We have lived in the waterfront area for a significant amount of years and deserve to have our Crown land protected from being subject to any further environmental and spatial damage.

Please continue on to pages 2 through 4 to read about the concerns and the accompanying legislation that the tenants of 1326 Lower Water Street, Halifax have towards the approval to develop 1325 Lower Water Street, Halifax.

1. Failure to follow the HRM Community Engagement Strategy- We appeal all 12 of the variances due to the failure of Development Nova Scotia to follow the principles of the HRM Community Engagement Strategy. The level of engagement was information sharing, achieved through the developer's website, public kiosks at HRM Customer Service Centers, and a Public Open House held on August 12, 2019. These variances have been approved in an undemocratic fashion. Most of the people who I talked to attending the meetings had concerns that were not addressed and not even taken note of. The community engagement regarding these variances has been one sided with no opportunity for the public to voice concerns or participate. A signed petition was hand delivered by a waterfront Place resident and it was not mentioned in the "SPECIAL MEETING DRAFT MINUTES July 30, 2020." Even the recordings from the meeting that were neither noted as recorded in the minutes as required or made available to the public. Although it was posted on the internet that the video would be posted within 24 hours of the meeting, only an audio recording was made available on special request 21 days later. This only allowed 2 days to review 5 hours of audio. Not having ample time to review the reasoning behind the committee approving the variances makes it difficult to file a proper appeal.

The applicable legislation is as follows:

HRM Community Engagement Strategy

"2.1 Defining Community Engagement

Community engagement can be defined as "the process of working collaboratively with and through groups of people to enact positive action. It includes information sharing, consultation and active involvement in decision making".

Residents expect to be involved in the decisions that affect them, and citizen involvement in

deliberations about what is important to them, how their community grows and develops is crucial to more informed government decisions and better service delivery.

Effective public engagement taps into the collective knowledge and wisdom of residents and contributes to building more connected, harmonious and resilient communities.

When people are involved in initiating and promoting change, the resulting solutions tend to be more successful and lasting.

Community engagement is fundamental to local representative democracy: "Exclusion, however, "is the shadow of public engagement" 2 and engagement that is too numerous, poorly designed and poorly executed can discourage or even silence significant portions of the community. Each situation requires a tailored approach to engagement. The onus on HRM is to honour local values and traditions, to use a strategic approach to community engagement, to facilitate effective engagement and to clearly communicate to the public the purpose and scope of engagement. It is important to recognize that in a vast majority of cases the final decision rests with the elected municipal representatives – the HRM Regional Council."

2. **Building Height – Architectural Feature on Level 17** Section 8 (8) The Height requirements in subsection (6) and (7) of section 8, and subsection (15C) of Section 7 shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to roof top amenity space, flag pole, antenna, heating, ventilation, air conditioning equipment, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features, shall occupy in the aggregate less than 30% of the area of the roof of the building on which they are located. Section 8 (10) Features referenced in subsection (8) shall be setback no less than 3 metres from the outer most edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features.
- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

The applicable legislation is as follows:

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii)

private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment.”

Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites

3. Southern Waterfront Section 11(1)(e) The width of any building face parallel to the ordinary high-water mark shall not exceed 21.5 metres; Section 11(1)(g) the width of any low-rise or mid-rise building face parallel to the ordinary high water mark may increase at a rate of 1 metre for every additional 1 metre setback from the ordinary high water mark;
- We appeal this variance because the boardwalk is negatively impacted by abutting development.

The applicable legislation is as follows:

Schedule S-1: Design Manual

“2.10 Downtown Halifax Waterfront

d. Ensure that the waterfront boardwalk is maintained, extended and improved, and that the public enjoyment of the boardwalk is not negatively impacted by abutting development.”

Signed,

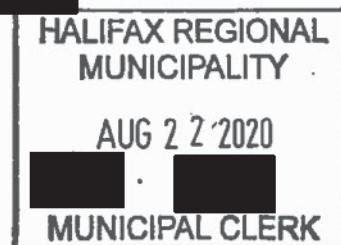


45

Neate, Leslie

From: [REDACTED]
Sent: Saturday, August 22, 2020 5:08 PM
To: Office, Clerks
Subject: [External Email] [External Email] ***Potentially Unsafe Links*** Revised Appeal [REDACTED]
Attachments: Appeal case 22708 [REDACTED]

[This email has been received from an external person or system]



This message contains ***Potentially Unsafe Links*** to websites that could not be validated as being reputable, trusted or secure.

Use caution when accessing URLs within this message.

- This message is from an external sender.
- This message may be from a system or person who is attempting to impersonate a trusted sender .
- If you are not completely familiar with this sender, **do not** click any links as they may be malicious websites, or websites attempting to capture your corporate credentials.

Note: If you are familiar with the system or sender of the message, you may wish to notify the original sender to have them remove potentially unsafe content from future messages.

Dear Municipal Clerk, as the [REDACTED] owner of [REDACTED] 1326 Lower Water Street we have previously filed an appeal to case 22708. Now that we have had a brief chance to review the audio minutes of the meeting, we would like to resubmit our appeal with the attached revised document. Please confirm you are in receipt of this email.

WATERFRONT



PLACE

hfxwaterfront.ca

To: Municipal Clerk
PO, Box 1749
Halifax, NS B3J 3A5
Fax: 902-490-4208
Email : clerks@halifax.ca

From



Notification of appeal case 22708

Dear Municipal Clerk [REDACTED] owner of [REDACTED], 1326 Lower Water Street. We would like to formally appeal all variances for the following reasons,

In addition to the reasons mentioned in the Staff recommendation report dated June 22, 2020. We have several other major concerns with the approved variances. I feel the requested variances are not reasonably consistent with the objectives and guidelines of the Design Manual.

- Failure to follow the HRM Community Engagement Strategy- We appeal all 12 of the variances due to the failure of Development Nova Scotia to follow the principles of the HRM Community Engagement Strategy. The level of engagement was information sharing, achieved through the developer's website, public kiosks at HRM Customer Service Centers, and a Public Open House held on August 12, 2019. These variances have been approved in an undemocratic fashion. Most of the people who I talked to attending the meetings had concerns that were not addressed and not even taken note of. The community engagement regarding these variances has been one-sided with no opportunity for the public to voice concerns or participate. A signed petition was hand delivered by a waterfront Place resident and it was not mentioned in the "SPECIAL MEETING DRAFT MINUTES July 30, 2020." Even the recordings from the meeting that were neither noted as recorded in the minutes as required or made available to the public. Although it was posted on the internet that

2

the video would be posted within 24 hours of the meeting, only an audio recording was made available on special request 21 days later. This only allowed 2 days to review 5 hours of audio. Not having ample time to review the reasoning behind the committee approving the variances makes it difficult to file a proper appeal.

Here is the applicable legislation

HRM Community Engagement Strategy

2.1 Defining Community Engagement

Community engagement can be defined as “the process of working collaboratively with and through groups of people to enact positive action. It includes information sharing, consultation and active involvement in decision making”.

Residents expect to be involved in the decisions that affect them, and citizen involvement in

deliberations about what is important to them, how their community grows and develops is crucial to more informed government decisions and better service delivery. Effective public engagement taps into the collective knowledge and wisdom of residents and contributes to building more connected, harmonious and resilient communities. When people are involved in initiating and promoting change, the resulting solutions tend to be more successful and lasting.

Community engagement is fundamental to local representative democracy;

“Exclusion, however, “is the shadow of public engagement” 2 and engagement that is too numerous, poorly designed and poorly executed can discourage or even silence significant portions of the community. Each situation requires a tailored approach to engagement. The onus on HRM is to honour local values and traditions, to use a strategic approach to community engagement, to facilitate effective engagement and to clearly communicate to the public the purpose and scope of engagement. It is important to recognize that in a vast majority of cases the final decision rests with the elected municipal representatives – the HRM Regional Council.”

- The Staff recommendation report dated June 22, 2020 stated “Staff do not consider this proposal to be reflective of the design intent of the Design Manual and advise that it does not meet the intent of a prominent civic frontage due to the size of the building, the lack of articulation and animation on Lower Water Street, the lack of a narrow point tower and the inability of the proposal to meet the requirements of the Design Manual and Land-use Bylaw.” In their report. There is no mention of that being in the meeting. Was consideration given to section 3.4.1b of the SCHEDULE S-1: DESIGN MANUAL?

Variance 1 - Building Height – Architectural Feature on Level 17 Section 8 (8) The Height requirements in subsection (6) and (7) of section 8, and subsection (15C) of Section 7 shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to roof top amenity space, flag pole, antenna, heating, ventilation, air conditioning equipment, clock tower, solar collector, roof top cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features, shall occupy in the aggregate less than 30% of the area of the roof of the building on which they are located. Section 8 (10) Features referenced in subsection (8) shall be setback no less than 3 metres from the outer most edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features.

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact

4

assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites

Variance 2 – Mid-Rise Building Section 10(4) Above a height of 18.5 metres, or the height of the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than 10% of the lot width or 5.5 metres, whichever is less.

- We appeal this variance because this will cause additional street traffic noise- The sound of traffic on Lower Water Street increase of traffic noise due to refractions between the new building and Waterfront Place.

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

Design Manual S1

2.1 Precinct 1: Southern Waterfront

d. Ensure that development along Lower Water Street has streetwall and landscaping conditions that emphasize its meandering qualities and emergence as an important street. Encourage measures such as sound-proofing requirements for new

5

development to reduce the conflict created by truck traffic travelling along Lower Water Street.

Variance 3 - High-Rise Building Section 10(9) portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 23 metres between the high-rise portion of other buildings on the same lot or the high-rise portion of the same building on the same lot, where both of the high-rise portions are used for residential purposes.

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This variance will cause increased wind speeds between the towers and may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-

6

Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment.”

“Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites “

Variance 4 - Building Setbacks and Stepbacks – Terracing building form Section 10(10) Any portion of a building above a height of 33.5 metres shall be a maximum width of 38 metres and a maximum depth of 38 metres.

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This variance will cause increased wind speeds due to the addition width of the building increasing the channelling of the wind through a smaller area and may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

7

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites

Variance 6 – section 11 (1)(c) Maximum height of the building within 30 meters of the OHWM to be 33.7 meters. Maximum height variance is required

8

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

"Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as

9

shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites “

Variance 7 – Precinct 1: Southern Waterfront Section 11(1)(e) The width of any building face parallel to the ordinary high-water mark shall not exceed 21.5 metres; Section 11(1)(g) the width of any low-rise or mid-rise building face parallel to the ordinary high water mark may increase at a rate of 1 metre for every additional 1 metre setback from the ordinary high water mark;

- We appeal this variance because the boardwalk is negatively impacted by abutting development.

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

Schedule S-1: Design Manual

“2.10 Downtown Halifax Waterfront

d. Ensure that the waterfront boardwalk is maintained, extended and improved, and that the public enjoyment of the boardwalk is not negatively impacted by abutting development.”

Variance 8 - section 11(f) Any portion of a building above a height of 33.5 metres shall be a maximum width of 21.5 metres parallel to Lower Water Street and a maximum depth of 38.5 metres

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features

10

on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and (b) wind impact assessments as per Schedule S-2 of this By-law."

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

"Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre

11

in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites”

We are also appealing all variances for 5 broad reasons. An audio recording was made available on special request 21 days after the meeting. This only allowed 2 days to review 5 hours of audio to provide our appeal. Details provided below:

1. **QUALITATIVE ELEMENTS OF THE DESIGN**

The design does not meet qualitative elements of the Design Manual. The criteria it fails to meet is included in the staff report dated June 22. In addition to those criteria we add the following:

- a. 3.4.1b –The side of the building facing the water is considered “Prominent Civic Frontage” as per Map 1 in the Design Manual. These frontages identify highly visible sites. Buildings on these sites have a greater civic responsibility than other sites. The design of the buildings should provide distinctive massing, articulation and architectural features to reinforce their prominence and make the building special enough that it would cause tourists to want to take a photo. As an example it could include a spire, an arch, or some sort of design flourish to harken back to historical days of the Halifax waterfront.

The current design is a fairly generic glass and steel building with store

fronts. It may be adequate for other sites in downtown Halifax but it is not adequate to meet the higher standard of 3.4.1.b.



Figure 1: Prominent Civic Frontage on waterside of building requires highest possible design and distinctive architecture

- b. 2.10.e. The extension on Morris Street should be activated with retail, restaurants and be pedestrian oriented. This wall is mostly service and is not animated and the parking lot entrance will serve to sever pedestrian use of this corridor. The design should be improved to better achieve the goal of the design manual.
- c. 3.2.1.a/f This section requires a streetwall to have plenty of animation; be pedestrian oriented and include amenities like narrow shop fronts, small retail and restaurants. The streetwall on Lower Water is 55 m long and the design includes 37 m of uninterrupted planters. A pedestrian walking will only see the planters. There are 4 bays available that could and should be used for small scale retail. If these are converted from residential to commercial then this will be met.



Figure 2 Lower Water St side of building. Design Manual requires storefronts on the streetwall. Instead there is 37 m of planters

The location of this building on the waterfront is extremely special to the city of Halifax. The building that will be built here will be seen and used by generations of Haligonians and tourists. It absolutely must meet the qualitative aspects of the design manual and no short cuts should be allowed. In far too many cases the design fails to achieve the standard of the design manual.

To summarize, there are two significant deficiencies in the design that cannot be allowed to proceed.

First, Lower Water Street will be very poorly served as it will be missing the store fronts that should be there. Without retail, there it would leave 4 blocks consecutive without storefronts (from Bishops Landing through to NS Power). This would effectively kill the southern portion of Lower Water Street as an animated pedestrian friendly street. This is not ok.

Second, the water front will also be poorly served as the design of the building simply does not meet the very high standards required of prominent civic frontage. The applicant can do better and must be held to a higher standard than what they have provided.

2. QUANTITATIVE ELEMENTS OF THE DESIGN

14

- a. 5 of the 9 variances requested fail to meet the Land Use Bylaw requirements. The variances are outlined in the staff report of June 22.
- b. The DRC did approve 4 of the remaining 5 variances. Their criteria for approving the variances does not hold up to scrutiny in our opinion. For example:
 - i. Variance 6 was justified because the design of the terracing was considered "landmark architectural feature" because the tower is supposed to resemble a cruise ship. The term "landmark architectural feature" should be reserved something truly special and not used as a throw-away term simply to get variance approval. We do not believe it is reasonable to use this justification to approve the variance.



Figure 3 Terracing was considered as part of "Landmark building element"

- ii. Variance 4 & Variance 8 are in regards to the tower being too wide and deep. The design manual requires tall, slender buildings along the water front in order to reduce shadows and increase pedestrian access on the waterfront to sunlight and the sky. The design contains one large tower that is 40% wider than allowed and creates more shadow on the plaza than otherwise would occur with a design that meets the standard.

The DRC approved these variances because they treated the the non-compliant massing of the building as a trade-off with the developer that allows a larger plaza on the water front and therefore a public benefit.

We believe this is against the intent of the design manual. The design manual requires that the massing should stand on its own as a public benefit. The massing, on a stand-alone basis does not provide a clear public benefit. In fact, as the massing causes increased shadows on

15

the plaza.

- iii. Variance 3 is with regards to the separation of the high rise tower from the mid rise portion of the building. The current design does not meet the requirement to separate by 23 meters. This variance can be accepted only if there is a clear public benefit. The DRC determined that the public benefit was shelter from the wind. This is not reasonable. The wind shelter is only for the pool amenity area at the top of the mid-rise. It is a clear private benefit. Not a public benefit.
- c. The justification for each these variances approved by the DRC was quite flimsy and does not stand up to any scrutiny. As such they should all be rejected.

3. City Staff report of June 22 recommended rejection of the proposal.

The staff who prepared the report are the city's experts on LUB and the design manual. We have reviewed their work and listened to the entire DRC meeting and are convinced that city staff had it right the first time and the DRC was wrong to overturn their recommendation.

4. Irregularities at the July 30 DRC meeting that compromise the integrity of the decision making process.

- a. The applicant participated in the discussion portion of the meeting against rules of order. They seemed free to interject in the discussion at will. They were reminded only one time not to interject, yet, within only a few minutes they continued to participate as if they were a member of the committee.
Examples:
 - i. At 3:35 The applicant attempted to guide DRC on how to proceed with regards to variance #6
 - ii. At 3:39 the applicant's architect interjected to guide the DRC to approve the variance and disregard the rules they are required to follow. He was not reprimanded.
 - iii. At 3:46 the applicant's architect interjected to offer a contrived justification that would allow the DRC to accept variance #6. This was a huge turning point in the meeting that led to the project ultimately being approved. The architect's suggestion lacked merit yet it was accepted by the DRC without any discussion of its merits.
 - iv. Applicant made three presentations for a total of 26 minutes when they were only allowed 10 minutes. They ignored warnings from the chair that they were out of time and then demanded more time. When given more time to finish, they continued to speak for quite a long time. This behaviour set the tone for the meeting that the applicant

16

was in charge of the meeting and the committee was following their lead.

- v. At 3:01, the member of Develop NS, part of the applicant's team, (at the request of the DRC) wrote section 1.d of the final approved motion. This was accepted without any discussion or modifications.
- vi. At 2:46 the applicant said "wow" in sarcastic, discouraging way when one of the committee members suggested deferring the decision so that they could become better informed.
- vii. At 3:04 the applicant interrupted the chair to change the wording of the motion being prepared by the DRC
- viii. At 3:33 the applicant again interjected to inform the committee that if any of 3 variances were rejected by the committee that it would lead to a redesign. This type of interjection can cause fear for committee members and influence the decision.

These examples all demonstrate how the meeting did not at all follow rules of order and Administrative Order One. As such, the applicant, in many regards, appeared to be the leader of meeting rather than merely a presenter whose participation is limited to the very beginning of the meeting. Furthermore, by participating so extensively it is probable that the outcome of the meeting is influenced in favor of the applicant. This was particularly evident during the crucial part of the meeting between 3:29 and 3:49 when a key variance was approved.

In our view the integrity of the entire meeting is compromised by the applicant's overt partition and the decision that was made must be overturned.

5. **Inexperience of DRC members and inability to fulfill duties in a satisfactory manner and failure to abstain from voting.**

The DRC is supposed to have 12 members with diverse experience and members can participate for two 2-year terms. An ideal committee would include 50% of members having in excess of two years' experience. None of the existing members have more than two years' experience. The current committee is made up qualified individuals but too many of them appear to lack the experience in our view to tackle a project as complicated as this one. At the meeting on July 30:

- a. Only 8 of the 12 members of the committee were able to attend the meeting
- b. Of the 8 members, 4 members were brand new and participating in the first application
- c. Of the 4 veteran members, none had more than 2 years' experience on the committee

17

- d. The chair of the committee had to leave for part of the meeting and missed a large part of the discussion
- e. The vice chair was forced to take over for the second half of the meeting. The vice chair is a new member participating in their first application
- f. Two of the senior members had to leave before the final motion was prepared. They did not vote.
- g. Committee members failed to discuss the qualitative aspects of the design in any matter whatsoever. They voted to approve the qualitative aspects against the recommendations of staff without providing any reasons.
- h. At 2:46 one of the new members acknowledged that they are "not fully prepared" to vote due to their inexperience and then abstained from the initial vote. They continued to participate in the meeting and then voted to approve the final motion. This member should have continued to abstain from voting in our view.
- i. At 3:35 another one of the new committee members said they felt "thoroughly unprepared" for tackling their duties as a committee member. They continued to participate in the discussion and voted to approve the proposal. This member should have abstained from the vote in our opinion.
- j. The final motion to approve the application was made by only 6 members of which 4 were participating in their first application. Of those members, two members should have abstained (as discussed above)
- k. Evident from listening to the portion of the meeting from 3:28 to 3:46, the members of the committee decided that they liked the project and wanted to approve it, yet the rules were not allowing them to approve the project. They described it as being "between a rock and a hard place" and expressed disappointment that the rules prevented them from approving the project. This line of thinking is the opposite of how the site plan approval process is supposed to work. Members of the committee are obligated to set aside personal preferences and let the rules lead their decision. They are obligated to uphold the rules and intention of the design manual and LUB. We believe that the members meant well and were not being malicious. Training and experience can mitigate this problem in the future. However, because of the evident failure of the committee to follow the correct process for judging the project, their decision is compromised and should be overturned.
- l. A general theme was committee members not knowing what their exact duties were; how to carry them out; how to apply the design manual or how the application process worked or how the meeting operated. This is natural behaviour for new committee members and there is nothing wrong with that. However, due to the large number of new, inexperienced members and the complications of this very large and difficult application we believe that the assessment of the application was inherently flawed and must be appealed

18

and overturned.

We are also appealing all variances for potential conflicts of interests as per The Municipal Conflict of Interest Act and Administrative Order One. Details provided below:

The following potential contraventions were made by representatives from Southwest properties and Develop NS, including Matt Neville. A former DRC committee member, who was granted the opportunity to present, which I would propose was a third presentation. If, within the timeframe the one presentation of developer, architect and Develop NS had been provided it would've exceeded AO-1 (45 1c ,) which states each presentation shall consist of two presenters.

AO-1 (45 1d) speaks to 10 minute time frame exceeded the 10 minute time frame and the developer argued that was because the advancement of the slides used up his time.

Under (45 4a) of AO-1 which states "shall be no debate of the subject matter of the presentation" there was considerable debate including Matt Neville, the developer, architect and Develop NS. I have concerns that the above-mentioned conduct is contrary to sections 12 (1) of the Municipal Conflict of Interest Act. Sections section 9 and section 10 of the Municipal Conflict of Interest Act apply to a former committee member such as Matt Neville.

Excerpts from the Municipal Conflict of Interest Act

"Inquiry

12 (1) If the council or local board by resolution requests that inquiry be made into or concerning

(a) any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of a member, an officer or other official, an employee or agent of the municipality or local board, or any person having a contract there- R.S., c. 299 municipal conflict of interest 7 APRIL 1, 2018 with, in relation to the duties or obligations of such person to the municipality or local board;

(b) any allegation that a member has contravened the provisions of this Act; or

(c) any matter connected with the good government of the municipality or local board or the conduct of any part of the public business thereof,

the Attorney General shall appoint a judge or some other suitable person to make the inquiry."

"(f) member" means a member, in whatever capacity, of a council or a local board and, for the purposes of Sections 9 and 10, includes a former member;"

"Application to determine if member in contravention

19

9 (1) *The Attorney General or an elector may apply to a judge of the Trial Division of the Supreme Court or a county court for a determination of whether a member has contravened the provisions of this Act.*

(2) An application shall be made by originating notice (application inter parties) pursuant to the rules of the court.

(3) The application shall state the grounds on which it is believed that a contravention of this Act may have occurred.

(4) An application shall be made within sixty days after the fact comes to the attention of the applicant that the member may have contravened this Act.

(5) No application may be made pursuant to this Section more than ten years after the date of the alleged contravention of this Act. R.S., c. 299, s. 9. Forfeiture of office and disqualification

10 (1) *Where the judge determines that a member has contravened this Act, the judge shall declare the seat of the member vacant and direct that the vacancy be filled in the manner prescribed by law, but if the judge determines that the contravention was committed as a result of inadvertence or a bona fide error in judgment the judge may relieve against such forfeiture of office.*

(2) The member found to have contravened this Act shall not be qualified to fill the vacancy so created.

(3) Where the judge determines that a member has contravened this Act, the judge may

(a) disqualify the member from being a member of the council or local board, or any council or local board, for a period of not more than ten years; and

(b) where the contravention has resulted in personal financial gain, require the member to make restitution.

(4) Where the contravention has been made for the purpose of personal financial gain, the judge shall impose a penalty of not more than twenty-five thousand dollars or, in default of payment thereof, imprisonment for a term of not more than twelve months. R.S., c. 299,"

Thank you for your attention to this matter,

[REDACTED]

[REDACTED]

20

Neate, Leslie

From: [REDACTED]
Sent: Saturday, August 22, 2020 6:57 PM
To: Office, Clerks
Subject: [External Email] Appeal - (Case 22708)
Attachments: Appeal (Case 22708).pdf; ATT00001.htm

[This email has been received from an external person or system]

To whom it may concern,

Please find attached my formal appeal for the approved development of the Cunard building at 1325 Lower Water Street. Kindly provide a notice that this appeal was received and will be reviewed.

ACC#CPC02310

<https://www.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/200730drc711-case22708report.pdf>

HALIFAX REGIONAL
MUNICIPALITY
AUG 22 2020
[REDACTED]
MUNICIPAL CLERK

To: Municipal Clerk
PO Box 1749
Halifax, NS B3J 3A5
Fax: 902-490-4208
Email: clerks@halifax.ca



Notification of appeal (case 22708)

Dear Municipal Clerk, please find below my formal appeal to the development of the proposed Cunard residential building at 1325 Lower Water Street. The appeal focuses on the multiple approved variances by the council, in addition to general concerns relating to community engagement, public safety, and cultural p.

My name is [REDACTED]. I am currently a condo owner at Waterfront Place - I grew up in Nova Scotia and have been living in Halifax for the better part of [REDACTED]. Halifax is a place of historic landmarks and heritage. It was alarming to hear of Halifax's approved plan to develop a large private residential complex in a prominent location on the waterfront. The waterfront area and lower water street is a beautiful location for the community and tourists to enjoy. As such, council is aware that careful and meticulous planning should be considered for any development project in these areas.

Issue: Community Engagement

Community engagement works through the collaboration of the public and ensures that information is shared and consulted on prior to decision being made. As noted in the 'Community Engagement Strategy', "The onus on HRM is to honour local values and traditions, to use a strategic approach to community engagement, to facilitate effective engagement and to clearly communicate to the public the purpose and scope of engagement". It is clear that there has been a lack of community engagement during the proposal of this development.

The Design Review for the proposed building mentions the following in regards to their effort for 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 August 12, 2019.

The general public would not be aware of the 'developer's website', and thus should not be considered as an effective component of their larger community engagement plan. The public open house held on August 12, 2019 happened a year ago - proposed development plans change, it would be important the

community is aware of any changes to the proposed building. Overall, the lack of response from the Developer in regards to Community Engagement is worrisome. The Community Engagement Strategy is a well thought out document which serves a purpose to guide developer's and decision makers on how to best engage with the public. Given the location of the proposed development and the impact on the public who utilize the waterfront boardwalk - there is an expectation more is done to ensure the community is aware of this development. Through approving the Developer's existing community engagement plan which has consisted of kiosks and one open public meeting, HRM council is setting a precedence for future developer's to brush over the importance of community engagement.

Issue: Prominent Location / Abutting Potential Culture Site

It is already noted in the Design Review, the site was identified as a 'Prominent Civic / Cultural Frontage along Lower Water Street'. Additionally, there is a potential civic/cultural site located immediately adjacent to the proposed development (see image below, (screenshot from current Design Manual)).

4.1 New Development in Heritage Contexts (per Schedule S-1: Design Manual)

Abutting – This type of development occurs on sites that do not contain a heritage resource but that are directly abutting a heritage resource on one side. This type of development occurs in a less contiguous heritage environment than infill.

Appeal - Given the proximity to a potential cultural site, additional guidelines for abutting developments must be adhered to. The current proposal does not take into account the possibility of an abutting cultural site in the location. Understanding that these sites are not confirmed cultural at the moment, it should be considered as reviews/investigations are underway to identify new historic properties in Halifax.



Effective:

File: E:\Projects\2008\11111177\2008 of date Update

Downtown Halifax Land Use By-law
Schedule S-1 Design Manual

2.1 Precinct 1: Southern Waterfront (per Schedule S-1: Design Manual)

Ensure that development along Lower Water Street has streetwall and landscaping conditions that emphasize its meandering qualities and emergence as an important street. Encourage measures such as sound-proofing requirements for new develop to reduce the conflict created by truck traffic travelling along Lower Water Street

Appeal- The large development will increase the noise on lower water street, and will increase the traffic conflict due to high use by buses, trucks, and tourists. The increase in noise is amplified by the fact that the proposed building is offset between 0-4m from lower water street at a height of approximately 18.5 meters. The size and closeness of the building to Waterfront Place will amplify street traffic noise for surrounding residents, as well as pedestrians on Lower Water Street. Given the cultural frontage and location on Lower Water Street, the expectation from council members is they have reviewed and approved of a Transportation Impact Study (TIS) per the Municipal Design Guidelines. I have not been aware or notified of this assessment being completed. If a TIS has not been completed, what is the risk acceptance council is basing this decision off of? As noted in the guidelines, and available at Halifax.ca.

Guidelines for the Preparation of Transportation Impact Studies (8th Revision)

It is highly recommended that the proponent and/or their transportation/planning/architectural consultants contact Halifax Regional Municipality and Provincial staff as appropriate early in the development planning process, preferably in the early stages of site plan development and before a TIS has been initiated. This early contact can yield several benefits:

- *transportation issues which might affect the land use or density, site plan, building placement, etc. can be identified, particularly issues specific to the area which might not otherwise be recognized;*
- *the need for a TIS can be discussed;*
- *the scope of the issues to be addressed in the TIS, the level of detail to be applied can be established, and the appropriateness of study assumptions and methods can be confirmed; and*
- *the need for specialized studies, such as noise or air quality, can be identified.*

Early contact with staff and, when required, the preparation of a complete and competent TIS are two steps that a proponent can take to maximize the efficiency of the review process. Staff can also arrange a meeting(s) with the relevant planning and/or transportation agencies as appropriate.

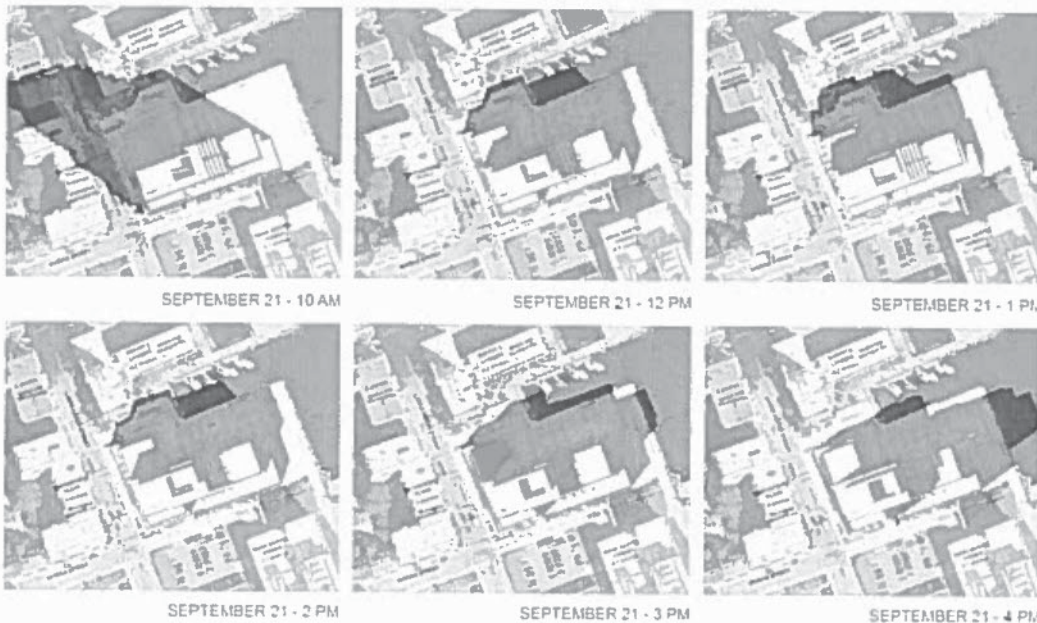
2.1 Precinct 1: Downtown Halifax Waterfront (per Schedule S-1: Design Manual)

Ensure that a generally complete and consistent streetwall is built along Lower Water Street that permits visual and physical access to the harbour along the eastward extension of the east-west streets to the water's edge, and at intermediate locations as deemed appropriate.

(SouthWest Properties Response per Design Review dated July 30, 2020) – The building fulfills this requirement along all active frontages. The open space designed at Cunard's north face provides direct access and view of the harbourfront. It will further extend the current access along the south face of Bishop's Landing. The sidewalk connection is maintained along the Morris street extension to connect the Lower Water Street to the waterfront. This development permits visual access to the harbour along

the eastward extension of Morris Street as the Waterfront View Corridor has been preserved.

Appeal - The building blocks views of the water along the eastwest streets. The response by SouthWest does not address reduced visuals of the harbour from several locations, including Waterfront Place. It is clear from SouthWest's Design Review (as seen below), the proposed building will cut off harbour views along lower water street.



2.1 Precinct 1: Downtown Halifax Waterfront (per Schedule S-1: Design Manual)

Ensure that the waterfront boardwalk is maintained, extended, and improved and that the public enjoyment of the boardwalk is not negatively impacted by abutting development.

(SouthWest Properties Response per Design Review dated July 30, 2020) – The proposed design maintains, extends and improves the waterfront boardwalk by providing improved sidewalks, plaza space and retail along the waterfront. At the heart of the proposed development we have provided a vibrant urban plaza along the waterfront boardwalk to activate and improve the portion of the waterfront promenade with retail and restaurant frontages. The creation of this urban public plaza will enhance the public enjoyment of the boardwalk.

Appeal - As noted in the image above, a large portion of the waterfront area in this proposed location will be in shade for the majority of the day. From ~2pm onward, the building will cast a large shadow on the waterfront. The cost-benefit for the public seems minimal, given the intention is to provide only 7 retail locations with a mixture of private and public ground floor plaza. It should be noted that based on the proposed design, the benefit for the public is overshadowed by the intention to create a private residential building at this prominent location.

Variance 3 - High-Rise Building

Section 10(4) Above a height of 18.5 metres, or the height of the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than 10% of the lot width or 5.5 metres, whichever is less.

b. The modification results in a clear public benefit such as the remediation of an existing blank building wall.

(SouthWest Properties Response per Design Review dated July 30, 2020) - The building massing creates an amenity space on level 12 terrace as a public benefit for the residents which require a 23 metres separation variance since it is not an enclosed built structure. The stepped massing as currently proposed offer public benefit of creating an amenity space on level 12 and plaza space on ground level over the use of a combination of separated tower forms as shown on image 3. The reason we provided this comparison is because two towers would require a 23 metres separation whereas a variance is requested for the amenity space with no enclosed structure provided as a result of a terraced building form.

Objection - More clarity is required on the 'public benefit' for the level 12 amenity space. In the response, the benefit is mentioned for the 'residents' (private), not the public. The ground level should not be considered as a response to this variance - variance should address the public benefit relative to the height of the building, not the ground level.

Issue: Wind Impact Assessment

Quote from Wind Impact Assessment (Page 2) (performed by RWDI)

In the above letter we concluded that "revised design has a building massing and geometry similar to that tested in the wind tunnel in 2015 and, as a result, our previous wind tunnel results and recommendations remain valid. Overall, suitable wind conditions are predicted for pedestrian areas at grade for both the summer and winter seasons. Terraces at Levels 11 and 12 are exposed to higher wind speeds and wind mitigation is required if passive activities are planned for these areas" (Appendix B).

Appeal - The current wind assessment is incomplete and also raises concerns for why it was approved as adequate for this development. There is no mention of the impact of 'wind tunneling' which will occur between the surrounding buildings and the proposed 17 storey development. There is no assessment with models of the surrounding buildings and the impact of 'wind tunneling' between Waterfront Place and the proposed building. Given the prominence of the location, and the multiple dimension variances approved by council, a more accurate assessment should be conducted again. Additionally, the testing is based on a 2015 model and is not current, and not based on all approved building dimensions.

Quote from Wind Impact Assessment (Page 1) (RWDI Report - Pedestrian Win Consultation)

Rowan Williams Davies & Irwin Inc. (RWDI) was retained by Southwest Properties Limited to consult on the pedestrian wind conditions for the proposed 1325 Lower Water Street in Halifax, Canada. The

purpose of the study was to assess the wind environment around the development in terms of pedestrian wind comfort and safety.

Objection - As noted in the introduction of the wind consultation performed by RWDI, the assessment was focused on addressing pedestrian wind comfort and safety. There is a lack of assessment completed for surrounding properties, including Waterfront Place. Additionally, in the report it is mentioned that 'Higher wind activity, mostly comfortable for strolling or walking, is expected during winter'. It would be important to have a better understanding on what is considered 'comfortable' for the public. The qualitative aspects of the report is using terminology that is vague and does not provide context for the reader. The report clearly indicates that the wind safety is in 'exceedance' at locations 60 and 61.

Neate, Leslie

From: [REDACTED]
Sent: Saturday, August 22, 2020 8:15 PM
To: Office, Clerks
Subject: [External Email] Case 22708-Application by Southwest Properties

[This email has been received from an external person or system]

[REDACTED]

HALIFAX REGIONAL MUNICIPALITY
AUG 22 2020
[REDACTED] MUNICIPAL CLERK

To: Municipal Clerk
PO, Box 1749
Halifax, NS B3J 3A5
Fax: 902-490-4208
Email : clerks@halifax.ca

From: [REDACTED] (Owner of [REDACTED], 1326 Lower Water Street)

Notification of appeal case 22708

Dear Municipal Clerk:

As an owner of a unit in Waterfront Place I would like to express my displeasure of variances approved for the building to be constructed across the street from 1326 Lower Water Street. Some of the concerns are the same as have been expressed by management of my building and some are my own. I have added mine at the end of this letter. I am in agreement that the requested variances are not reasonably consistent with the objectives and guidelines of the Design Manual, which are as follows:

- Failure to follow the HRM Community Engagement Strategy. We appeal all 12 of the variances due to the failure of Development Nova Scotia to follow the principles of the HRM Community Engagement Strategy. The level of engagement was information sharing, achieved through the developer's website, public kiosks at HRM Customer Service Centers, and a Public Open House held on August 12, 2019. These variances have been approved in an undemocratic fashion. Most of the people in attendance at the meetings had concerns that were not addressed. The community engagement regarding these variances has been one-sided with no opportunity for the public to voice concerns or participate. A signed petition was hand delivered by a Waterfront Place resident and it was not mentioned in the "SPECIAL MEETING DRAFT MINUTES July 30, 2020." The recordings

from the meeting were neither recorded in the minutes as required or made available to the public. Although it was posted on the internet that the video would be posted within 24 hours of the meeting, only an audio recording was made available on special request 21 days later. This only allowed 2 days to review 5 hours of audio. Not having ample time to review the reasoning behind the committee approving the variances makes it difficult to file a proper appeal.

Here is the applicable legislation

HRM Community Engagement Strategy

"2.1 Defining Community Engagement

Community engagement can be defined as "the process of working collaboratively with and through groups of people to enact positive action. It includes information sharing, consultation and active involvement in decision making".

Residents expect to be involved in the decisions that affect them, and citizen involvement in deliberations about what is important to them, how their community grows and develops is crucial to more informed government decisions and better service delivery. Effective public engagement taps into the collective knowledge and wisdom of residents and contributes to building more connected, harmonious and resilient communities. When people are involved in initiating and promoting change, the resulting solutions tend to be more successful and lasting.

Community engagement is fundamental to local representative democracy; "Exclusion, however, "is the shadow of public engagement" 2 and engagement that is too numerous, poorly designed and poorly executed can discourage or even silence significant portions of the community. Each situation requires a tailored approach to engagement. The onus on HRM is to honour local values and traditions, to use a strategic approach to community engagement, to facilitate effective engagement and to clearly communicate to the public the purpose and scope of engagement. It is important to recognize that in a vast majority of cases the final decision rests with the elected municipal representatives – the HRM Regional Council."

- The Staff recommendation report dated June 22, 2020 stated "Staff do not consider this proposal to be reflective of the design intent of the Design Manual and advise that it does not meet the intent of a prominent civic frontage due to the size of the building, the lack of articulation and animation on Lower Water Street, the lack of a narrow point tower and the inability of the proposal to meet the requirements of the Design Manual and Land-use Bylaw." In their report, there is no mention of that being in the meeting. Was consideration given to section 3.4.1b of the SCHEDULE S-1: DESIGN MANUAL?

Variance 1 - Building Height – Architectural Feature on Level 17 Section 8 (8) The Height requirements in subsection (6) and (7) of section 8, and subsection (15C) of Section 7 shall not apply to a church spire, lightning rod, elevator enclosure, an elevator enclosure above a structure required for elevator access to rooftop amenity space, flag pole, antenna, heating, ventilation, air conditioning equipment, clock tower, solar collector, rooftop cupola, parapet, cornices, eaves, penthouses or other similar features, provided that the total of all such features, shall occupy in the aggregate less than 30% of the area of the roof of the building on which they are located. Section 8 (10) Features referenced in subsection (8) shall be setback

no less than 3 metres from the outermost edge of the roof on which they are located. No setback is required for clock towers, parapets, cornices and similar architectural features.

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

- (a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and*
- (b) wind impact assessments as per Schedule S-2 of this By-law."*

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted

annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites

Variance 2 – Mid-Rise Building Section 10(4) Above a height of 18.5 metres, or the height of the streetwall, the mid-rise portion of a building shall be setback from interior lot lines no less than 10% of the lot width or 5.5 metres, whichever is less.

- We appeal this variance because this will cause additional street traffic noise- The increase of traffic noise on Lower Water Street owing to reverberation between the new building and Waterfront Place.

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

Design Manual S1

2.1 Precinct 1: Southern Waterfront

d. Ensure that development along Lower Water Street has streetwall and landscaping conditions that emphasize its meandering qualities and emergence as an important street. Encourage measures such as sound-proofing requirements for new development to reduce the conflict created by truck traffic travelling along Lower Water Street.

Variance 3 - High-Rise Building Section 10(9) portion of a high-rise building above a height of 33.5 metres shall be separated a minimum of 23 metres between the high-rise portion of other buildings on the same lot or the high-rise portion of the same building on the same lot, where both of the high-rise portions are used for residential purposes.

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This variance will cause increased wind speeds between the towers and may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

*(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and
(b) wind impact assessments as per Schedule S-2 of this By-law."*

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

"Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites "

Variance 4 - Building Setbacks and Stepbacks – Terracing building form Section 10(10) Any portion of a building above a height of 33.5 metres shall be a maximum width of 38 metres and a maximum depth of 38 metres.

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This variance will cause increased wind speeds due to the addition width of the building increasing the channelling of the wind through a smaller area and may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind

impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

*(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and
(b) wind impact assessments as per Schedule S-2 of this By-law."*

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites

Variance 6 – section 11 (1)(c) Maximum height of the building within 30 meters of the OHWM to be 33.7 meters. Maximum height variance is required

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that

a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee's role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

"Committee Role

(12) The Committee shall review:

*(a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and
(b) wind impact assessments as per Schedule S-2 of this By-law."*

"Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment."

"Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites "

Variance 7 – Precinct 1: Southern Waterfront Section 11(1)(e) The width of any building face parallel to the ordinary high-water mark shall not exceed 21.5 metres; Section 11(1)(g) the width of any low-rise or mid-rise building face parallel to the ordinary high water mark may increase at a rate of 1 metre for every additional 1 metre setback from the ordinary high water mark;

- We appeal this variance because the boardwalk is negatively impacted by abutting development.

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

Schedule S-1: Design Manual

“2.10 Downtown Halifax Waterfront

d. Ensure that the waterfront boardwalk is maintained, extended and improved, and that the public enjoyment of the boardwalk is not negatively impacted by abutting development.”

Variance 8 - section 11(f) Any portion of a building above a height of 33.5 metres shall be a maximum width of 21.5 metres parallel to Lower Water Street and a maximum depth of 38.5 metres

- We appeal this variance because the wind impact assessments have not completed all of the required wind impact - if several large buildings are near each other, there is an effect known as "channelling", wind accelerates by being squeezed through a narrow space. This may cause wind and wind driven rain problems with the Waterfront Place building envelope. We are aware that a Pedestrian Wind Comfort Assessment has been completed but we find no record that the required study including existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development has been completed. The land use by-law states it is the committee’s role to wind impact assessments as per Schedule S-2 of the Land use By-law. The committee has accepted the Post-Bonus Height Provisions without the developer ever having submitted developer shall cost estimates, which provide detailed costs of the public benefit. How could the committee know if there is the required amount of public benefit to allow the Post-Bonus height?

Here is the applicable legislation in addition to the legislation contained in the Staff recommendation report dated June 22.

LAND USE BY-LAW DOWNTOWN HALIFAX

“Committee Role

(12) The Committee shall review:

- (a) site plan approval applications as per subsections (13) and (14) of section 5 of this By-law; and*
- (b) wind impact assessments as per Schedule S-2 of this By-law.”*

“Schedule S-2: Wind Assessment Performance Standards General (1) A new building that is proposed to be greater than 20 meters in height or an addition to a building that will result in the building being greater than 20 meters in height shall be subject to either a qualitative or (RC-Mar 26/13;E-Apr 13/13) a quantitative wind impact assessment. (2) The wind impact assessment shall address: (a) Existing conditions, accounting for buildings and other physical features on the lot and any surrounding buildings and features that may influence the development or that may be influenced by the development. (b) The impact of the development on the following areas (RC-Mar 26/13;E-Apr 13/13): (i) the public realm, including parks, plazas, and other open spaces, sidewalks and other pedestrian traveled ways, building entrances; and (ii) private amenity spaces such as rooftop gardens. (c) The expected level of comfort for various activities associated with the above-noted areas with regard to factors such as sitting, standing, and walking. (d) The methodology and standards used in the assessment.”

“Post-Bonus Height Provisions Buildings Higher than the Pre-Bonus Height Requirements 12(1) A building that exceeds the Maximum Pre-Bonus Height as shown on Map 4 shall be required to provide a public benefit on the lot equal to a value of not less than \$4.00 per 0.1 square metre of gross floor area for all or part of any storey above the Pre-Bonus Heights. Where it is not feasible to provide the public benefit on the lot being developed, the developer shall provide the benefit off-site as may be agreed between the Municipality and the developer. (2) The developer shall submit cost estimates, in a format acceptable to the Development Officer, which provide detailed costs of the public benefit. (3) The rate of \$4.00 per 0.1 square metre in subsection (1) shall be adjusted annually in accordance with the Statistics Canada, Province of Nova Scotia Consumer Price Index, on the anniversary of adoption date of this By-law. (4) The public benefit shall be completed at the time of the issuance of an Occupancy Permit pursuant to the Building By-law (HRM By-law B-201) or such other time as may be provided under the public benefit agreement. (5) The provisions of subsection (1) do not apply to additional height provided for the Prominent Visual Terminus Sites”

On a personal note, I am dismayed at the prospect of this building going forward as is. In 1977, the city approved the construction of the Maritime Centre. A wind-tunnel generating, architecturally disgraceful wall and a history obliterating concrete monolith that Haligonians have been forced to look at for over 40 years. And while the citizens of Halifax grumbled about that awful looking barrier at the foot of Spring Garden, the city supported the construction of an additional seven floors in 1988, further damaging the aesthetic of downtown Halifax. While I'm not saying the design of this building on the waterfront will be as ugly as a concrete wall, at 30 storeys, it will feel something like a wall. Lower Water Street is NOT an avenue. Other buildings on the east side of the street are nowhere near the height of the building being proposed here. Because of the height, the street will be darkened until mid-day. It's a narrow street so a tunnel of wind will surely be an issue. Traffic is slow during the week as it is and cars sit in lines in front of Waterfront Place every week day from mid afternoon until 6pm. How many more cars are going to be added with the erection and occupancy of this building design? The city can't even come up with a way to eliminate Lower Water Street 18 wheeler traffic so how are hundreds of more cars on this narrow, congested artery of Lower Water Street going to make living here livable?

Please don't let this building be built. I know that municipal coffers are never full and even less so in the midst of a costly pandemic. I acknowledge that the tax revenue from a huge apartment building like this is very tempting but please look at the big picture. Like the Maritime Centre, what you allow to be built, on perhaps the last open piece of water frontage in downtown Halifax, will be what the rest of us have to live with pretty much forever. Why another residential building? Tonnes of condo buildings are being constructed all over the city but where are the big cultural developments? I hate the overused expression but take our "world class" Central Library. That is a building for which we can all be proud. Frankly, I am

so disappointed that this property wasn't sold to a developer who would build a museum. I even have a name for the museum: The MOIT "mo-it" and a concept related to that name - The Museum of Interesting Things. Now that would be exciting. That would be a space for all Haligonians, Nova Scotians and people from around the world.

Sincerely,





**DESIGN REVIEW COMMITTEE
SPECIAL MEETING
July 30, 2020**

PRESENT: Erica Armstrong
Jessica Harper
Jan Sheppard Kutcher
Rimon Soliman
Marilee Sulewski
Marcel Tarnogorski
Catherine Ann Somerville Venart
Tara Ralph

REGRETS: Ade Olatunde
Nicholas Robins
David Hanna
Sarah MacDonald

OTHERS PRESENT: Jim Spatz, Southwest Properties
Stephen Bugbee, Zeidler Architects
Matt Neville, Develop Nova Scotia

STAFF: Steven Higgins, Manager Current Planning, Planning & Development
Carl Purvis, Manager Planning Applications, Planning & Development
Maggie Holm, Principal Planner, Planning & Development
Jennifer Chapman, Planner III, Planning & Development
Kasia Tota, Principal Planner, Planning & Development
Dali Salih, Senior Planner, Planning & Development
Claire Gillivan, Solicitor
Andrea Lovasi-Wood, Legislative Assistant
Alicia Wall, Legislative Support

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, information items circulated, and video or audio (if available) are online at halifax.ca.

The special meeting was called to order at 4:30 p.m. and adjourned at 9:21 p.m.

1. CALL TO ORDER

The Legislative Assistant called the special meeting to order at 4:30 p.m.

1.1 ELECTION OF CHAIR AND VICE CHAIR

Andrea Lovasi-Wood, Legislative Assistant called for nominations for the position of Chair of the Design Review Committee.

MOVED by Tara Ralph, seconded by Catherine Ann Somerville Venart

THAT Erica Armstrong be nominated Chair of the Design Review Committee.

Erica Armstrong accepted the nomination for Chair.

MOTION PUT AND PASSED

Andrea Lovasi-Wood called three times for any further nominations. There being none, Erica Armstrong was declared Chair of the Design Review Committee.

Erica Armstrong assumed the position of Chair and called for nominations for the position of Vice Chair of the Design Review Committee.

MOVED by Marilee Sulewski, seconded by Jan Sheppard Kutcher

THAT Marilee Sulewski be nominated Vice Chair of the Design Review Committee.

Marilee Sulewski accepted the nomination.

MOTION PUT AND PASSED.

The Chair called three more times for any further nominations for the position of Vice Chair of the Design Review Committee. There being none, Marilee Sulewski was declared Vice Chair of the Design Review Committee.

2. APPROVAL OF MINUTES – November 14, 2019 and February 19, 2020

MOVED by Tara Ralph, seconded by Catherine Ann Somerville Venart

That the minutes of November 14, 2019 be approved as presented.

MOTION PUT AND PASSED

MOVED by Catherine Ann Somerville Venart, seconded by Marcel Tarnogorski

That the minutes of February 19, 2020 be approved as presented.

MOTION PUT AND PASSED

3. APPROVAL OF THE ORDER OF BUSINESS

MOVED by Jessica Harper, seconded by Catherine Ann Somerville Venart

THAT the Order of Business be approved as presented.

MOTION PUT AND PASSED

4. CALL FOR DECLARATION OF CONFLICT OF INTERESTS - NONE

5. CONSIDERATION OF DEFERRED BUSINESS – NONE

6. CORRESPONDENCE, PETITIONS & DELEGATIONS

6.1 Correspondence

Correspondence was received from Ted Farquhar requesting approval to make a presentation to the Design Review Committee and was circulated to the members.

MOVED by Jessica Harper, seconded by Tara Ralph

That the Committee approve Ted Farquhar to come forward and present at a future Design Review Committee meeting.

MOTION PUT AND PASSED

6.2 Petitions - NONE

7. REPORTS

7.1 STAFF

7.1.1 - Case 22708 – Substantive Site Plan Approval for 1325 Lower Water Street, Halifax

The following was before the Committee:

- Staff recommendation report dated June 22, 2020
- Staff Presentation dated July 30, 2020
- Southwest Presentation dated July 30, 2020
- Develop Nova Scotia Presentation dated Jul7 30, 2020

Jennifer Chapman, Planner III, Planning & Development presented Case 22708. The proposal is for a 16-storey mixed use building with residential, retail, restaurant and office space. The property is located in Precinct One, Southern Waterfront and is zoned DH-1 (Downtown Halifax) and Schedule W (Waterfront Development Overlay). A Portion of the site is covered by Viewplane 6. This site is currently being used as a parking lot.

The application is before the Committee due to the variances being sought. Chapman displayed pictures outlining the areas of the requested variances and provided some examples of inconsistencies with the Design Manual.

Some of the inconsistencies include:

- The proposal is not consistent with Section 2.10b of the Design Manual as there is not enough animation or access to the waterfront and this section requires that complete and consistent streetwall is built along Lower Water Street that permits visual and physical access to the harbour;
- The proposal is not consistent with Section 2.1c of the Design Manual as the proposal is about 40% wider than the required maximum dimension and creates a lot of shadow to the proposed plaza area;
- The proposal is not consistent with Section 2.10e of the Design Manual as public spaces should be at the terminus of the waterfront view corridor and the bulk of the public space for this development is located on the opposite side of the view corridor;

- The proposal is not consistent with Section 2.10i as the proposal does not meet the height requirements; and
- The proposal is not consistent with the design and articulation requirements under sections 3.3.1b and 3.3.1c of the Design Manual.

Chapman drew the Committee's attention to the following variances that staff are recommending refusal of:

- Variance Category 2 – Upper Storey Side Yard Stepback. The balconies exceed 50% of building face and don't cover a blank wall;
- Variance Category 3 and 4 – Maximum Height and Precinct 1 Built Form. The building exceeds the maximum height requirement and does not meet the requirements under sections 3.6.8b, 3.6.8c, 3.6.8d and 3.6.8e of the Design Manual; and
- Variance Category 4, Precinct 1 Built Form and Variance Category 5, Tower Width separation. Staff were unable to determine any clear public benefit.

A wind study determined that the development will result in comfort levels suitable for persons sitting, standing or walking at sidewalk level, but that there would be higher than desired wind activity for the outdoor amenity areas located on levels 11 and 12.

A copy of the staff presentation is on file.

Jim Spatz of Southwest Properties took the floor to present.

Spatz indicated that Southwest Properties will give up volume for better design outcomes and believes beautiful buildings are more successful. Spatz spoke to some of their existing developments around HRM and various awards they have won. They are looking at increasing the amount of public space.

Stephen Bugbee, Zeidler Architects took the floor to present.

Bugbee spoke to the design and to the collaboration with neighbors and city planners, etc. The design has been altered through the years based on feedback received.

Bugbee feels the variances enhance the design and architecture of the development.

Matt Neville of Develop Nova Scotia took the floor to present.

Neville indicated Develop Nova Scotia is formerly Waterfront Development Corporation and is a Provincial Crown Corporation, and also the landowner.

The main goal is to build places to attract people. This project will allow about two acres of publicly available space and will create connectivity to the waterfront. Public consultation is carried out with respect to the properties along the waterfront and they are working with Nova Scotia Power and Southwest Properties with respect to the Morris Street Corridor.

The Committee considered the application, the following points and clarifications were noted:

- The Committee would like to see more vertical articulation and enhancements to the banding
- Concerns were expressed around the lack of animation to the Morris Street Corridor
- Members questioned whether or not consideration was given to allowing public access to the top of the building to take in the view, or adding something like a rooftop restaurant

Spatz indicated that they will look at the verticality and see if it could be strengthened. Spatz further indicated that the Morris Street Corridor was not really looked at initially, but they will look at adding retail and more activation along that side. The Penthouse is mechanical unit space, but they will have a look and see if anything could possibly be done for the public.

The Committee further considered the application. The following points were noted:

- Members questioned the lack of engagement of people walking along Lower Water Street and indicated the pedestrian experience should be enhanced
- Members noted they would like to see the residential units at grade replaced with retail
- Comments were made regarding the public space being in shadow
- The Committee questioned whether or not a light study had been completed
- It was noted enhancements could be made to the south side of the project.
- Members questioned whether Net Zero 2032 was being addressed with this project.

Jim Spatz stated they will look at opportunities along the south side.

Dali Salih, Senior Planner, Planning & Development Dali spoke to some changes being proposed in Package B to public benefit space.

MOVED by Tara Ralph, seconded by Marilee Sulewski

That the meeting be extended to 7:15.

MOTION PUT AND PASSED

Stephen Bugbee stated that the building was massed to allow as much light as possible and that a sun shadow study was submitted with the application.

Matt Neville indicated they would like the Committee to provide examples of the types of activation they would like to see along Morris Street.

MOVED by Tara Ralph, seconded by Catherine Ann Somerville Venart

THAT the Design Review Committee:

- 1. Refuse the qualitative elements of the substantive site plan approval application for a 16 storey, with rooftop penthouse, mixed use building, in Downtown Halifax as shown in Attachments A and B, as the proposal does not comply with Sections 2.1c, 2.10i, 3.1.1a, 3.2.1a, 3.2.1f, 3.2.5a, 3.3.1b and 3.3.1c of the Design Manual, as noted in Attachment E; and**
- 2. Refuse 5 of the 9 variances in 5 categories to the Land Use By-law requirements regarding upper storey side yard setback, maximum height, Precinct 1 built form, and tower width and separation distances, as contained in Attachment B, as the proposal does not comply with Sections 3.6.6, 3.6.7, 3.6.8, and 3.6.10 of the Design Manual, as noted in Attachment D.**

MOTION PUT AND DEFEATED

Erica Armstrong left the meeting temporarily at 8:00 pm and Marilee Sulewski, Vice Chair assumed role as Acting Chair. Armstrong returned to meeting shortly thereafter with Sulewski continuing as Acting Chair by Committee agreement.

The Committee engaged in open discussions regarding the variances and reviewed the corresponding sections of the Design Manual to determine whether they felt the variances met the requirements.

The Committee would really like to see a penthouse public space and feel the balconies are not too large for the development and enhanced the appearance of the building.

Catherine Venart and Rimon Soliman left the meeting before the vote.

MOVED by Erica Armstrong, seconded by Jessica Harper

That the Design Review Committee:

1. Approve the qualitative elements of the substantive site plan approval application for Case 22708 as shown in Attachment A with consideration given to the following:
 - a) adding public access to the penthouse level,
 - b) adding articulation to the banding,
 - c) providing vertical articulation to break up the horizontal massing within floors 3 and 4 of the development, and
 - d) subject to an approved license agreement with Nova Scotia Power Inc, the applicant shall consider minor modifications to the streetwall of the building abutting the Morris Street Waterfront View Corridor, such as streetwall articulation, materials including glazing, and public art features that serve to further activate the terminus area of the Morris Street Waterfront View Corridor.
2. Approve 11 of the 12 variances requested by the applicant but refuse the variance that is requested to section 10.13 of the Land Use By-law which allows balconies to be permitted encroachments into a setback or stepback provided that the aggregate length of the balconies does not exceed 50% of the building face and approve the following variances:
 - a) Variance Category 3: Maximum Height Variance is consistent with section 3.6.8d of the Design Manual,
 - b) Variance Category 4: Precinct 1 Built Form Variance is consistent with section 3.6.7b of the Design Manual,
 - c) Variance Category 5: Tower Width and Separation is consistent with section 3.6.7b of the Design Manual, and
 - d) Approve the 4 variances as per the staff recommendation.
3. Accept the findings of the qualitative Wind Impact Assessment, as contained in Attachment C.
4. Recommend that the Development Officer accept sustainable building practices as the post-bonus height public benefit for the development.

MOTION PUT AND PASSED

MOVED by Tara Ralph, seconded by Erica Armstrong

That the Design Review Committee recommend that Regional Council initiate the process to consider amendments to the Downtown Halifax Land Use By-law to allow for balconies in excess of 50% of the building face.

MOTION PUT AND PASSED

7.1.2 - Regional Centre Plan Package B Consultation

Marilee Sulewski and Marcel Tarnogorski left the meeting at this time. Erica Armstrong resumed position as Chair of the meeting.

MOVED by Jessica Harper, seconded by Tara Ralph

That the Committee defer Item 7.1.2 to the next meeting of the Design Review Committee.

MOTION PUT AND PASSED

8. NEXT MEETING DATE - TBD

9. ADJOURNMENT

The meeting adjourned at 9:21 p.m.

Alicia Wall
Legislative Support