



**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](http://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