


HALIFAX

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

Item No. 10.1.2
Halifax and West Community Council
April 21, 2015

TO: Chair and Members of Halifax and West Community Council
Original Signed

SUBMITTED BY:  _____
Emma Sampson, Chair, Heritage Advisory Committee

DATE: April 2, 2015

SUBJECT: Case 18270 – Development Agreement – 5885 Spring Garden Road, Halifax

ORIGIN

Motion by the Heritage Advisory Committee at an April 1, 2015 meeting.

LEGISLATIVE AUTHORITY

Section 21 of the Halifax Charter regarding Standing, Special and Advisory Committees.

By-Law H-200 Respecting the Establishment of a Heritage Advisory Committee and a Civic Registry of Heritage Property.

RECOMMENDATION

The Heritage Advisory Committee recommend that Halifax and West Community Council:

1. Give Notice of Motion to consider the proposed development agreement, as contained in Attachment A of the March 12, 2015 staff report, to allow for a multiple unit residential building and office use at 5885 Spring Garden Road and schedule a public hearing;
2. Approve the proposed development agreement contained in Attachment A of the March 12, 2015 staff report;
3. Require the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at and end;
4. Approve, by resolution, the discharging agreement contained in Attachment B of the March 12, 2015 staff report, to discharge two development agreements that apply to 5885 Spring Garden Road, Halifax, to take effect upon the registration of the new development agreement; and
5. Require the discharge agreement be signed by the property owner not later than 120 days from the date the new development agreement has been approved by Council, or any extension thereof granted by the Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including any applicable appeal period for the new development agreement, whichever is later, otherwise this discharge agreement shall be void.

BACKGROUND

At the April 1, 2015 meeting of the Heritage Advisory Committee, staff presented the application by WSP Canada Inc. on behalf of Killam Properties to enable an 18 storey multi-unit residential addition to an existing 11 storey building at 5885 Spring Garden Road.

DISCUSSION

This application came before the Heritage Advisory Committee because the proposed development is subject to Policy CH-16 of the Regional Plan which requires the consideration of developments that abut municipally registered heritage properties, and this proposal abuts the Garden Crest Apartments. The Committee reviewed the proposal with staff responding to questions. The Committee passed a motion in support of the staff recommendation, as noted above.

FINANCIAL IMPLICATIONS

Financial Implications are addressed in the March 12, 2015 staff report.

COMMUNITY ENGAGEMENT

The Heritage Advisory Committee is an Advisory Committee to Regional Council comprised of 10 volunteer members of the public and two Councillors. The meetings are open to the public and the agendas and minutes are posted at www.Halifax.ca.

ENVIRONMENTAL IMPLICATIONS

None.

ALTERNATIVES

The Committee did not provide alternatives.

ATTACHMENTS

Attachment 1: Staff report dated March 12, 2015.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Sheilagh Edmonds, Legislative Assistant



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

Item No.
Heritage Advisory Committee
March 25, 2015

TO: Chair and Members of the Heritage Advisory Committee

Original Signed

SUBMITTED BY:

Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: March 12, 2015

SUBJECT: Case 18270 - Development Agreement – 5885 Spring Garden Road, Halifax

ORIGIN

Application by WSP Canada Inc.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that Halifax and West Community Council:

1. Give Notice of Motion to consider the proposed development agreement, as contained in Attachment A of this report, to allow for a multiple unit residential building and office use at 5885 Spring Garden Road and schedule a public hearing;
2. Approve the proposed development agreement contained in Attachment A of this report;
3. Require the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end;
4. Approve, by resolution, the discharging agreement contained in Attachment B of this report, to discharge two development agreements that apply to 5885 Spring Garden Road, Halifax, to take effect upon the registration of the new development agreement; and

RECOMMENDATIONS continue on page 2

5. Require the discharge agreement be signed by the property owner not later than 120 days from the date the new development agreement has been approved by Council, or any extension thereof granted by the Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including any applicable appeal period for the new development agreement, whichever is later, otherwise this discharge agreement shall be void.

EXECUTIVE SUMMARY

WSP Group has submitted an application, on behalf of the property owner Killam Properties, to enable an 18 storey multi-unit residential addition to an existing 11 storey building at 5885 Spring Garden Road. The proposed 18 storey addition is in the form of a slender tower with a single storey podium. The application also includes improvements and an expansion to the outdoor amenity area to be shared by the two towers. The existing residential use and dentistry office use within the 11 storey portion of the building is to be retained.

The proposed development is enabled under policy within the Spring Garden Road Sub Area of the Peninsula Centre Secondary Plan of the Halifax Municipal Planning Strategy (MPS). The policy allows for the consideration of buildings that exceed the height requirements of the Land Use By-law (LUB) for Halifax Peninsula, with special consideration to the shadow impact on the Public Gardens. A shadow analysis was reviewed by staff and it was determined that the proposed 18 storey addition would have little impact to the Public Gardens. Other policy consideration within the Peninsula Secondary Plan focuses on the compatibility of the proposed development and is further discussed in the main body of this report. Through detailed policy analysis it is determined that the proposed development is consistent with the applicable policies of the MPS.

The subject property is further regulated by two older development agreements that are incorporated into the proposed development agreement. As such, it is further proposed that the two older development agreements be discharged. The subject property also abuts a municipally registered heritage property and is subject to policies within the Regional Plan that consider new developments that abut a municipally registered heritage property.

Through the detailed review of the applicable policy of the Regional Plan, staff advise that the proposed development is likely to have little impact to the registered heritage building on the abutting property. In combination with the policy review of the Halifax MPS, staff recommends that the Heritage Advisory Committee, recommend that Halifax and West Community Council approve the proposed development agreement as attached to this report.

BACKGROUND

An application has been submitted by WSP Group, on behalf of the property owner, Killam Properties, to enable the development of an 18 storey multi-unit residential addition to an existing 11 storey residential building, with a dentist office, at 5885 Spring Garden Road (See Maps 1 & 2 and Attachments F & G). The proposal exceeds the maximum height requirements of the Halifax LUB (Map 3). However, the Halifax MPS includes policies that allow the consideration of such projects through a development agreement.

Site Description and Surrounding Land Uses

The subject property is:

- located on the north-east corner of Spring Garden Road and Carlton Street;
- developed with an 11 storey residential building with a dentist office at grade;
- accessed by vehicles from Carlton Street through surface parking and underground parking; and

- approximately 6,070 square metres in area and has approximately 61 metres of street frontage on Spring Garden Road and 101.5 metres on Carlton Terrace.

The surrounding area is characterized by a mixture of uses including houses, multiple unit dwellings, restaurants, shops and other commercial uses that are primarily located along Spring Garden Road. The surrounding area also includes office buildings, institutional uses such as Dalhousie University and Sacred Heart School, and important public spaces, such as Camp Hill Cemetery and the Public Gardens (Maps 1 and 2).

The area includes several registered heritage properties (Map 4):

- the Garden Crest property, which abuts the subject property, is comprised of a 3 1/2 storey heritage building which fronts Summer Street and an 11 storey apartment building that was built in 2002;
- houses along Carlton Street, south of Spring Garden Road, that are designated as a municipal heritage streetscape;
- individual heritage property designations over a house at 5945 Spring Garden Road (William Barnstead House) and an apartment building at 5969 College Street (Gold Cure Institute Building); and
- the Public Gardens and Sacred Heart School, which are east of Summer Street.

Camp Hill Cemetery, which abuts the subject property, is not a registered heritage property, although it is recognized for its historic importance and the presence of noteworthy grave sites.

Beyond the historical significance of the surrounding area, the character of the area is also defined by the presence of relatively tall residential, office and institutional buildings (Map 5).

Designation and Zoning

The subject property is:

- within the Peninsula Centre Secondary Planning Strategy (Section XI of the MPS);
- designated High Density Residential (Map 1);
- zoned R-3 (Multiple Unit Dwelling) by the Halifax Peninsula LUB (Map 2);
- located within a height precinct of 13.7 metres (45 feet) under the LUB (Map 5); and
- within Schedule A and Schedule B of the LUB.

Schedule A applies mainly to the central area of Peninsula Halifax and permits a density of 250 persons per acre.

Schedule B permits commercial uses in the R-3 Zone which are exclusively associated with a residential use. For example, a convenience store is permitted in a multiple unit dwelling as long as it is intended to only serve the building's residents. The store can only be accessed through the interior of the building and can have no external signage.

Enabling Policy

This application is made pursuant to several policy considerations (see Attachments C and D). A summary of the policies is as follows:

- *Policy 8.1.2 of Section XI of the Halifax MPS:* allows for the consideration of buildings that would exceed the height precinct through a development agreement. The policy requires that the shadow impact on the public gardens, during the period of the year that the public gardens is open, be considered.
- *Policy 8.1.3 of Section XI of the Halifax MPS:* allows for the consideration of an office use at the ground level of the building. This is the policy context in which the existing dentist office was permitted.

- *Implementation Policy 3.11 of the Halifax MPS:* allows for the further consideration of development that does not meet the requirements of the LUB when considering applications under Policies 8.1.2 and 8.1.3, as long as the intent of the policies of the MPS and Peninsula Centre Secondary Plan are maintained.
- *Policy CH-16 of Section 7 of the Regional Plan:* sets out criteria for development that abuts a municipally registered heritage property.

Existing Development Agreement and Site History

Permits for the existing 11 storey residential building, including a bank, were issued in 1962. A development agreement was approved in 1982 for two former office uses in addition to the residential building and the bank. A second development agreement was approved in 2001 and permits a dental office use in the former location of the bank. The second development agreement includes no provisions discussing the other two office spaces and since 1982 the two office spaces have been incorporated into the residential use. It is important to note that the two development agreements are independent of each other.

Proposal

The subject property is currently developed as an 11 storey multi-unit residential building with 201 units and a dentist office use located at grade. The proposal is to develop an 18 storey residential addition to the rear of the existing building, along Carlton Street, which would contain 104 units. With the existing building, the property would have a total of 305 residential units.

The proposed addition is approximately 61 metres in height. It includes a single storey podium with a slender tower which is approximately 8.5 metres from the existing 11 storey portion of the building. Including the proposed addition, other features of the entire development include the following:

- new amenity space to be located at the ground level of the proposed addition along Carlton Street and at the 2nd level rooftop podium;
- continued vehicular access off Carlton Street;
- modifications and expansions to the existing rooftop amenity space;
- modifications to the existing building including refinishing of the façade, new balconies and enhanced landscaping along Spring Garden Road; and
- retention of the existing dentist office use including a minor expansion to the permitted floor area from 408.8 square metres to 442 square metres.

Originally, the application was for a 20 storey residential addition to the rear of the building and a single storey commercial addition along Spring Garden Road. Upon receiving comments from the neighbourhood and feedback from the District 7 and 8 Planning Advisory Committee (PAC), the proposal was revised to reduce the height of the addition to 18 storeys and to remove the single storey commercial addition.

Planning Approval Process

Upon detailed review of the application, it was determined that discharging the existing development agreements would simplify the planning process and the implementation of the terms and conditions of the proposed development agreement. The approval process for this application consists of the following steps:

- Step 1. Holding a Public Hearing wherein Community Council would consider the proposed development agreement which includes provisions regarding the existing use and the proposed addition.
- Step 2. Discharging the existing development agreements for the subject property upon adoption of the new development agreement.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the MPS. Attachment C provides an evaluation of the proposed development agreement in relation to the relevant MPS policies. The following outlines matters that are addressed in the proposed development agreement and highlights issues which have been identified for more detailed discussion.

Discharging Development Agreement

As part of the planning process, Council can consider the proposed development agreement for the proposed building addition and discharge the existing development agreements at the same time. As the applicable provisions of the original development agreements have been incorporated into the proposed development agreement, the existing development agreements would be considered redundant.

Development Agreement

The proposed Development Agreement, contained in Attachment A of this report, includes site-specific controls and specifications that address the following matters:

- Permitted Residential Uses: A maximum of 305 dwelling units are permitted (there are 201 units in the existing building and 104 additional units in the proposed addition). The development agreement further requires that 33% of the units must contain two or more bedrooms;
- Permitted Commercial Uses: The proposed development agreement will continue to permit the existing dentist office use and allow for commercial uses that are permitted in the underlying zone of the LUB;
- Built Form Requirements: The design of the proposed addition is required to be in the form of a slender tower with setbacks from the existing 11 storey portion of the building and abutting property. The proposed development agreement further requires the use of canopies and other measures to reduce the potential wind impact at the ground level and at the roof top podium level.
- Required Amenity Space: A combination of indoor and outdoor amenity space of a minimum of 3,500 square metres, not inclusive of balconies is required. At least 3,000 square metres must be outdoor landscaped area;
- Required Parking (Bicycle And Vehicular): This includes minimum parking requirements for visitor parking and parking for the dentist office use; and
- Non-Substantive Amendments: The proposed development agreement includes options for various non-substantive amendments by resolution of Council, including changes to the building material, such as the building cladding, provisions regarding the office use, landscaping details, amenity space details, parking requirements, signage details and changes to timeframes for development.

The following items are being highlighted for detailed discussion:

Shadow Impact on Public Lands

When contemplating buildings with a height over 13.7 metres (45 feet) under policy 8.1.2, the main consideration is the impact the building's shadow may have on the Public Gardens. A shadow study was completed for the proposed development at 20 storeys and was analyzed by staff. The shadow study was prepared through computer modeling and included the summer and winter solstice, and spring and fall equinox.

The shadow analysis indicated there would be a small shadow on the south-west corner of the Public Gardens from the early evening to sunset during the summer solstice and there would be a narrow shadow that sweeps the centre of the Gardens in the late afternoon during the spring and fall equinox. There is greater impact to the Gardens during the Winter Solstice where the shadow touches the north-west corner of the Public Gardens at around 2 pm and extends across the north side of the Public Gardens as the afternoon progresses. It was noted that the Public Gardens would still receive at least 6 hours of sunlight per day, which is the standard amount of sunlight recommended for public spaces,

except for portions of the Gardens during the winter. As such, it was determined the proposed building addition will not have a negative impact on the Public Gardens.

Although the shadow impact on the Camp Hill Cemetery is not specifically cited as a consideration in the enabling policy, policy 8.6 of the City-Wide Policies cites the general importance of shadow impacts. The shadow impact on the Camp Hill Cemetery is greater than the shadow impact on the Public Gardens. However, staff and the HRM Urban Forester found the impact was not significant enough to affect the general use by the public or the health of the existing trees.

Compatibility with the Surrounding Neighbourhood

Implementation Policy 3.11 requires a review of the Peninsula Centre Secondary Plan when considering a development agreement in conjunction with Policy 8.1.2. One of the major policy considerations in the secondary plan, is to ensure compatibility amongst neighbouring uses. Policy 1.1.5 of the Peninsula Centre Secondary Plan provides guidance when considering the compatibility of new buildings. The policy directs new developments to be assessed in terms of the following:

(a) Land Use

As discussed in the Background section, the subject property is located in a mixed use area and is characterised by taller buildings. The proposal for a high density residential building addition is considered appropriate as it is characteristic of the area.

(b) Scale, Height and Massing

As also noted in the Background section of this report, there are various tall buildings in the area (Map 5). Due to the difference in floor heights, the proposed 18 storey building will be of a similar height to the existing 16 storey building (Embassy Towers – 5659 Spring Garden Road) located west of the site. As there is already a cluster of taller buildings in this area, the proposed building to the addition of 18 storeys is considered appropriate and will help frame the skyline. Further, the proposed addition is at the rear of the property, behind the existing 11 storey building and consequently, it will have little impact to the streetscape along Spring Garden Road.

The shape and placement of the addition helps to mitigate potential conflict with regard to surrounding buildings. As a slender tower, rather than a shorter wider building, the overall bulk and mass of the building is reduced. The placement of the tower also provides suitable setbacks from other buildings on adjoining properties. The tower will be 27 metres away from the abutting 11 storey Garden Crest building at 1540 Summer Street. This exceeds the tower separation requirements for buildings of similar heights that exist in the Downtown Halifax Land Use By-law. Further, the space around the new tower will consist of residential terraces and landscaped amenity area which will provide an aesthetically pleasing buffer.

The proposed tower will be situated between 8.5 and 10 metres from the existing 11 storey building that is immediately to the south and on the same property. This distance is adequate based on the existing building's limited height, the fact that the buildings are on the same property, and given that the wall that faces the tower is largely opaque with only a small percentage of its surface that is comprised of windows.

(c) Population Density

The proposal will exceed the maximum as-of-right LUB requirement of 250 persons per acre. In considering a higher density development, it is important to ensure there are adequate services to support the proposed increase. A sanitary/sewer analysis was completed and it was determined that there is capacity to support the proposed development. Further, a traffic impact statement was provided, which indicated that the proposed development will have minimal impact to the traffic in the area.

From an overall perspective, a high density use is further considered suitable for the area, as it is located in the urban core on a high density street. The subject property is within walking distance to the downtown, to major public open spaces, to major institutions and employers such as two hospitals and Dalhousie University and various commercial uses, amenities and major transit routes.

(d) Lot Size, Lot Frontage, Setback, Lot Coverage and Open Space

The subject property is an existing parcel that complies with the requirements of the LUB in respect to lot area and frontage for a multiple unit dwelling. As a result of the proposed addition, the majority of the lot will be developed, however open space is achieved through a large amount of landscaped open space and amenity areas on the podium. It should be noted that the proposed addition would replace existing surface parking, so there will be no loss of landscaped open space as a result of this development.

(e) Service Requirements, Including Parking

A sanitary/sewer analysis and a traffic impact statement were completed as part of this application and both studies indicated that existing services could accommodate the proposed development. In regards to parking, the proposed development agreement requires 230 parking spaces. Of these, 12 are to be provided as a combination of visitor parking and as parking for the dentist office use. Although the required parking provides a parking space for only approximately 70% of the residential units, due to the proximity to downtown and as the subject property is on a major transit route, one parking space for each unit is viewed to be suitable. The proposed development agreement also requires a minimum of 60 indoor and fully enclosed bicycle spaces and 20 outdoor rack style spaces. This is in excess of what would be required for the new residential addition under the requirements of the LUB.

Wind Impact

Policy 8.6 of the City-Wide policies of the MPS require the consideration of the shadow and wind impact of new development. The shadow impact is discussed above. A qualitative wind impact assessment was completed as part of this application. The assessment noted that there are several positive design features to mitigate wind impact including a podium, tower setback and recessed entrances. However, it further recommended various design features to lessen wind impact, along the western sidewalk and amenity area on the first floor podium.

The development agreement specifies that a quantitative wind impact assessment is required prior to the issuance of the development permit to confirm that conditions will be suitable for various levels of pedestrian comfort around the site. The proposed development agreement includes a provision to allow for minor changes to the building and required landscaping measures to address any issues as a result of the quantitative assessment.

Abutting Municipally Registered Heritage Property

The subject site abuts the municipally and provincially registered heritage property, the Garden Crest Apartments at 1544 Summer Street. It is registered on the basis of a 3 1/2 storey residential building that was designed by Halifax architect George Henry Jost and constructed in 1898 and was originally developed to provide housing for low income residents. The property was registered as a municipal heritage property in 1986 as the building is representative of an Edwardian Resort style of architecture and is the only pre-WW1 building of its type between Spring Garden Road and Jubilee Road.

In 1994 a development agreement was approved on the heritage property and neighbouring property at the corner of Summer Street and Spring Garden Road. The development agreement permitted:

- significant renovations to the heritage building;
- an 11 storey residential building at the rear of the Garden Crest Apartments;
- a three storey commercial building at the corner of Summer Street and Spring Garden Road; and
- a 12 storey mixed used building along Spring Garden Road (Summer Crest Apartment) (Map 4).

The heritage building and the 11 storey building are located on a single property. The 11 storey residential building is located between the heritage building and the proposed 18 storey addition.

The proposed development is subject to Policy CH-16 of the Regional Plan (Attachment D), which requires the consideration of developments that abut municipally registered heritage properties. Although the entire Garden Crest Apartments property is a registered heritage property, as indicated above, the 3

1/2 storey original Garden Crest Apartments building is the heritage resource that is the subject of the registration.

Through the municipal heritage review of the proposal it is found that the 11 storey building located directly behind the heritage building acts as buffer from the proposed 18 storey addition. It was noted that the proposed addition would have a minimal impact to the heritage building and as such the project was not subject to a detailed analysis of policy CH-16 in respect to visual compatibility with the heritage building and in the use of building material. The Heritage Coordinator of the Province was contacted with regard to this matter and reached a similar conclusion.

Districts 7 & 8 PAC

This application was presented to the PAC on January 27, 2014. Its recommendations are sent to Community Council by means of a separate report.

The PAC had reviewed the original proposal, which included a building of 20 storeys and the proposed commercial addition along Spring Garden Road. The Committee had several recommendations for inclusion within the development agreement. The majority of the Committee's recommendations focused on the:

- proposed height;
- commercial addition along Spring Garden Road;
- aesthetics of the building and potential wind impact;
- potential effect to existing trees in the area; and
- adequacy of visitor parking.

With regard to this:

- as noted earlier in this report, the proposal was changed to reduce the height to 18 storeys;
- the proposed commercial was removed;
- there are provisions in the proposed development agreement that address the degree of change that is permitted to the building in addressing wind mitigation measures;
- the shadow impact of the proposed development was analyzed by HRM's Urban Forester, who found that there would be little impact to the existing trees in the Camp Hill Cemetery. The developer will further be required to follow *HRM By-Law # T-600 - By-Law Respecting Trees On Public Lands* which includes guidelines respecting development adjacent to trees on public lands; and
- provisions regarding required visitor parking has been included in the proposed development agreement.

Conclusion

The proposed development agreement will incorporate provisions from the previously adopted development agreements and provisions for the proposed 18 storey addition into a single amalgamated document. The subject property is located in a mixed use area characterized by a variety of building types. The proposed 18 storey addition is not only characteristic of the area, but the proposed residential use will complement existing commercial and recreational amenities and will benefit from the close proximity to major transit routes, major institutions and downtown Halifax as a whole.

The proposed 18 storey tower addition is expected to have minimal impact to the Public Gardens and surrounding public spaces. The design of the addition, in the form of a slender tower, will reduce shadow impact as well as reduce the overall bulk of the building and allow for larger setbacks from existing residential uses.

The proposed development agreement will permit a development that is compatible and appropriate with the neighbourhood and is consistent with the objectives and policies of the Halifax MPS. Therefore, Staff recommends approval of the proposed development agreement (Attachment A).

FINANCIAL IMPLICATIONS

There are no financial implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the approved 2014/15 budget with existing resources.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a public information meeting held on September 18, 2013. Attachment E contains a copy of the minutes from the meeting. Notices of the Public Information Meeting were posted on the HRM website, in the newspaper and mailed to property owners within the notification area shown on Map 2.

A public hearing must be held by Community Council before it can consider the approval of the development agreement and discharging agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed development agreement will potentially impact the following stakeholders: local residents and property owners, business and institutions.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed development agreement and discharging agreement subject to modifications. This may necessitate further negotiation with the applicant and the need to hold a second public hearing. A decision of Council to approve a development agreement is applicable to the NS Utility and Review Board as per Section 262 of the HRM Charter.
2. Halifax and West Community Council may choose to refuse the proposed development agreement and discharging agreement, and in doing so, must provide reasons why the proposed agreement is not reasonably consistent with MPS policies. A decision of Council to refuse the proposed development agreement or discharging agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *Halifax Regional Municipality Charter*.

ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning and Notification Area
Map 3	Height Precincts
Map 4	Municipal Registered Heritage Properties
Map 5	Mid and High Rise Buildings

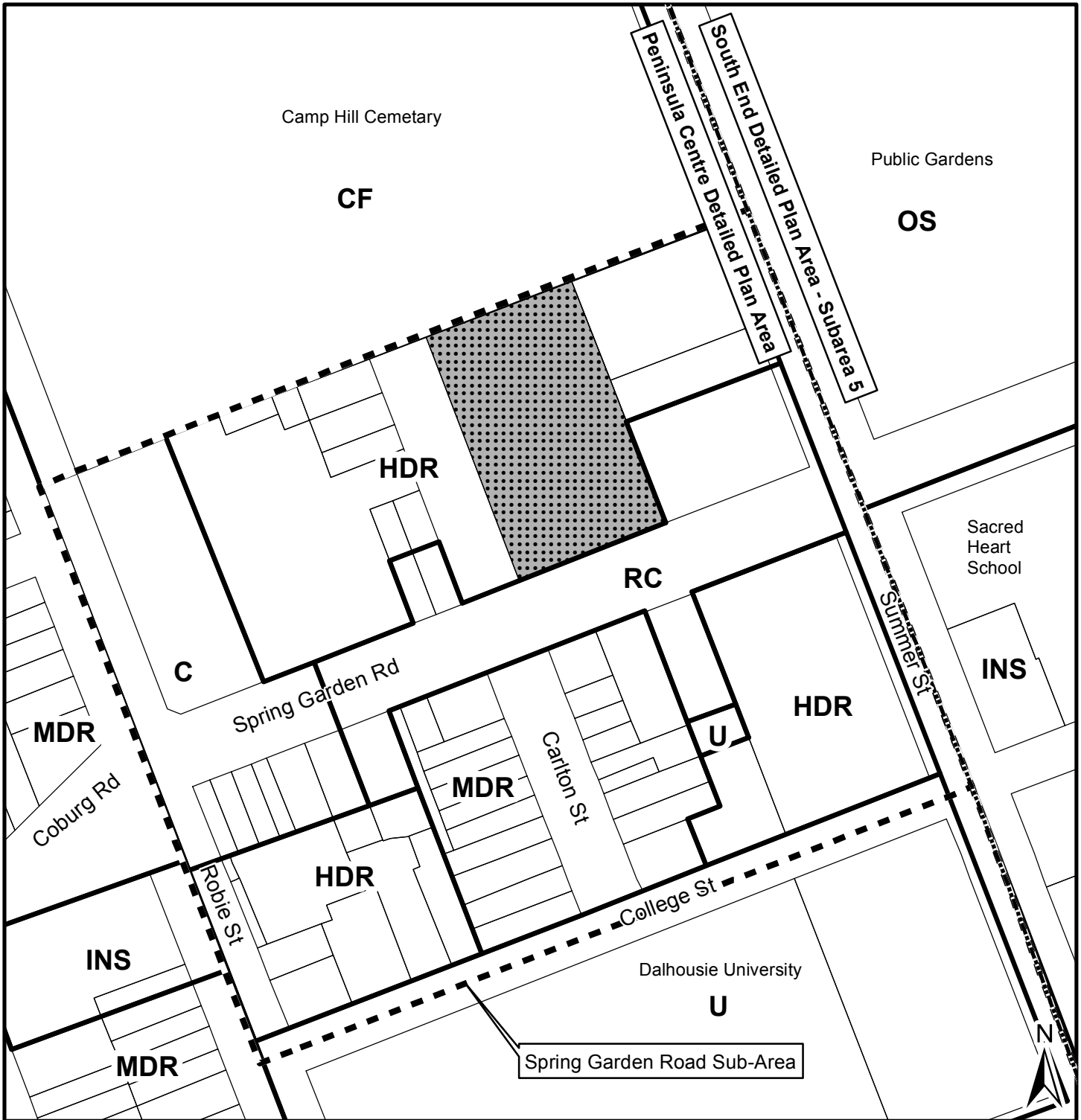
Attachment A	Proposed Development Agreement
Attachment B	Proposed Discharging Agreement
Attachment C	Review of Relevant Policies of the Halifax MPS and Regional MPS
Attachment D	Review of Relevant Policies from the Regional Municipal Planning Strategy
Attachment E	Minutes of Public Information Meeting
Attachment F	Existing Conditions Aerial View Along Carlton Street
Attachment G	Existing Conditions Aerial View Along Spring Garden Road

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jillian MacLellan, Planner, Development Approvals, 902-490-4423



Original Signed

Report Approved by: _____
Kelly Denty, Manager of Development Approvals, 902-490-4800



Map 1 - Generalized Future Land Use

5885 Spring Garden Road
Halifax

-  Area of proposed development agreement
-  Detailed plan area boundary

Halifax Plan Area
Peninsula Centre Detailed Plan Area
South End Detailed Plan Area

Designation - Peninsula Centre

- MDR Medium Density Residential
- HDR High Density Residential
- RC Residential - Commercial Mix
- C Commercial
- U University

Designation - South End

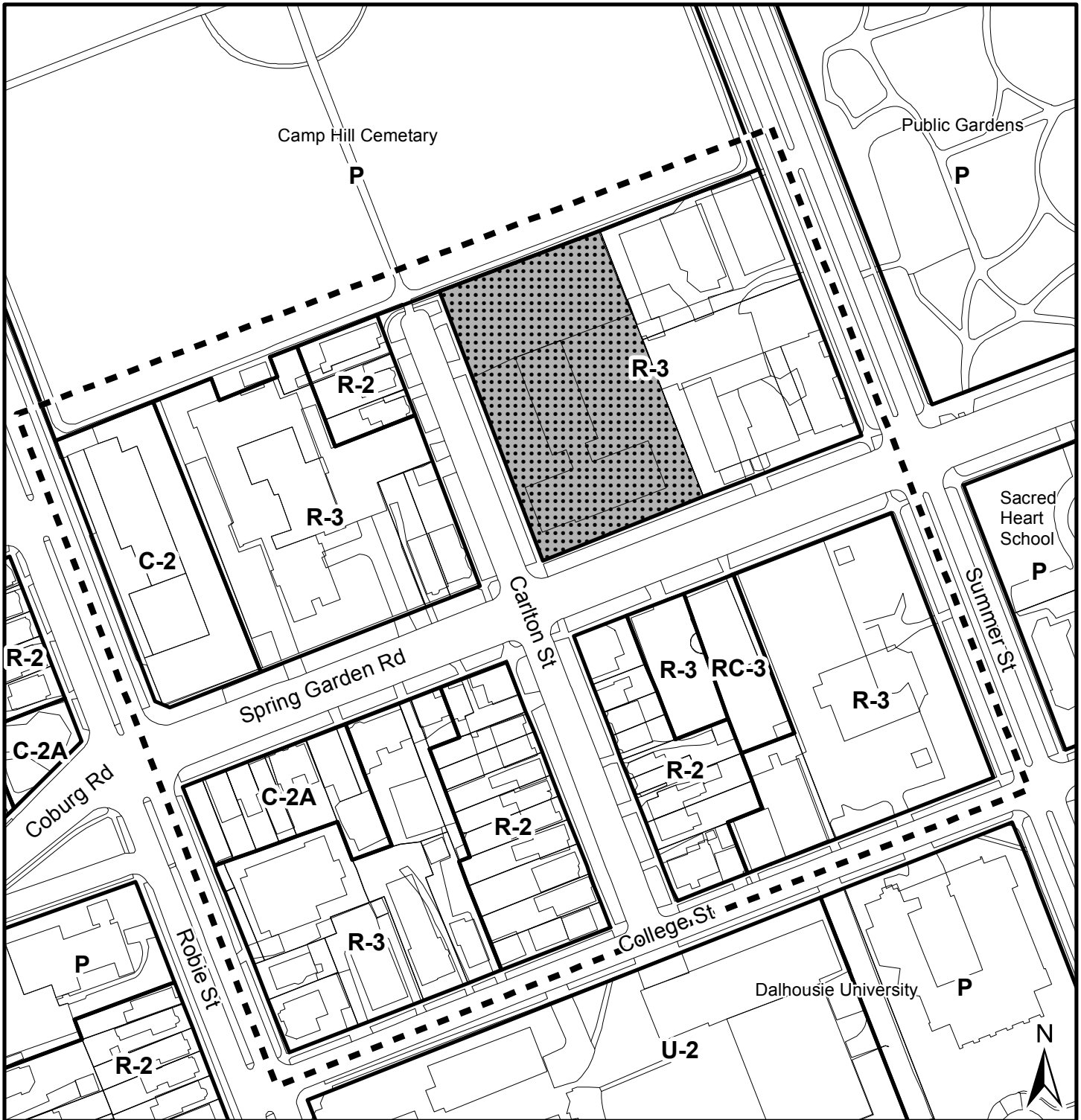
- OS Open Space
- INS Institutional

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


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



Map 2 - Zoning and Notification Area

5885 Spring Garden Road
Halifax

 Area of proposed development agreement

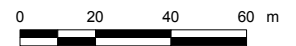
 Area of notification

Halifax Peninsula
Land Use By-Law Area

Zone

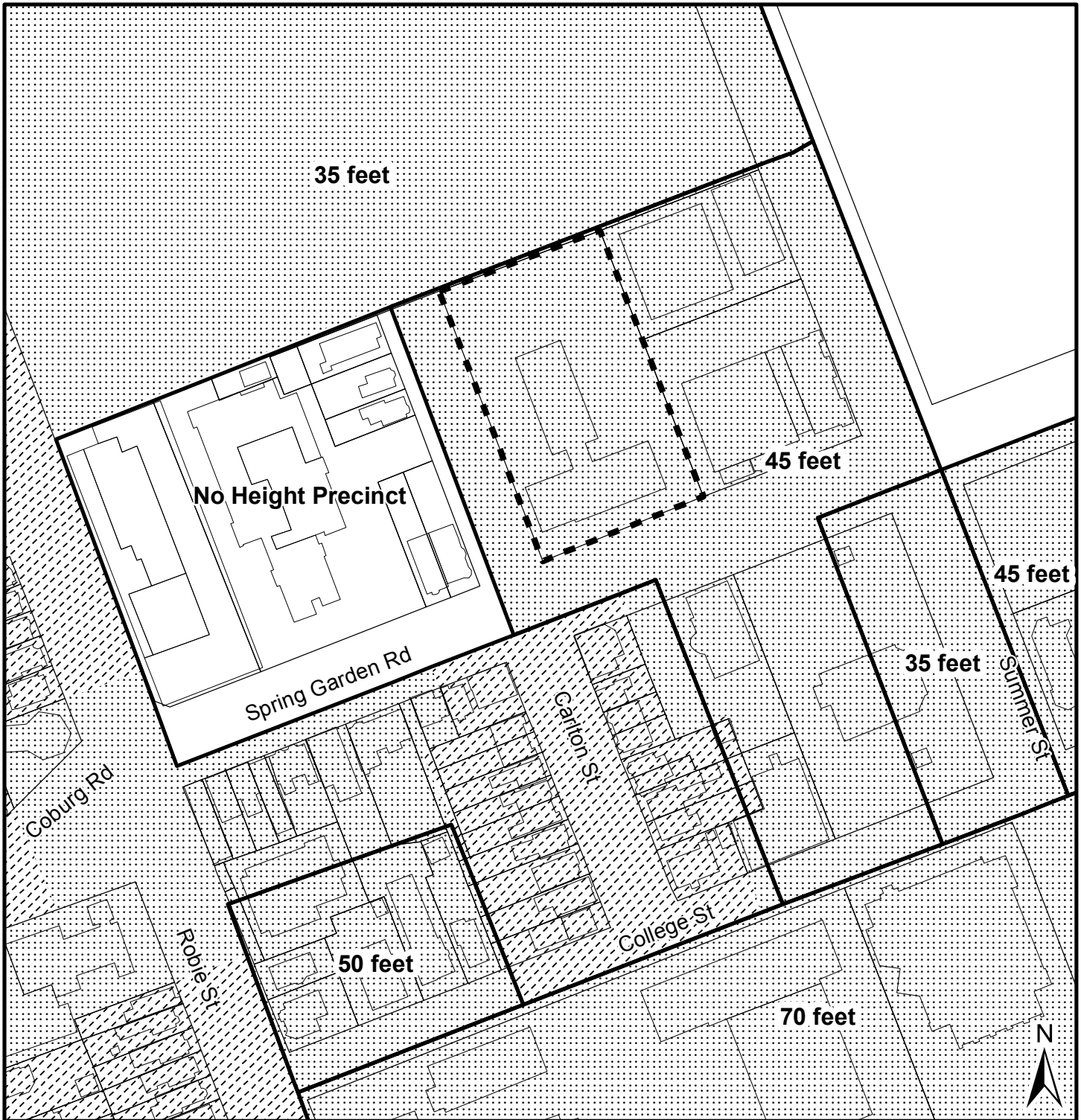
- R-2 General Residential
- R-3 Multiple Dwelling
- RC-3 High Density Res. Minor Commercial
- C-2 General Business
- C-2A Minor Commercial
- P Park and Institutional
- U-2 High-Density University

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



Map 3 - Height Precincts

5885 Spring Garden Road
Halifax

 Area of proposed development agreement

 Height measured to highest point of roof

 Height measured to highest point of top floor of building (not including non-habitable roof)

 Height measured to commencement of top storey of building

HALIFAX

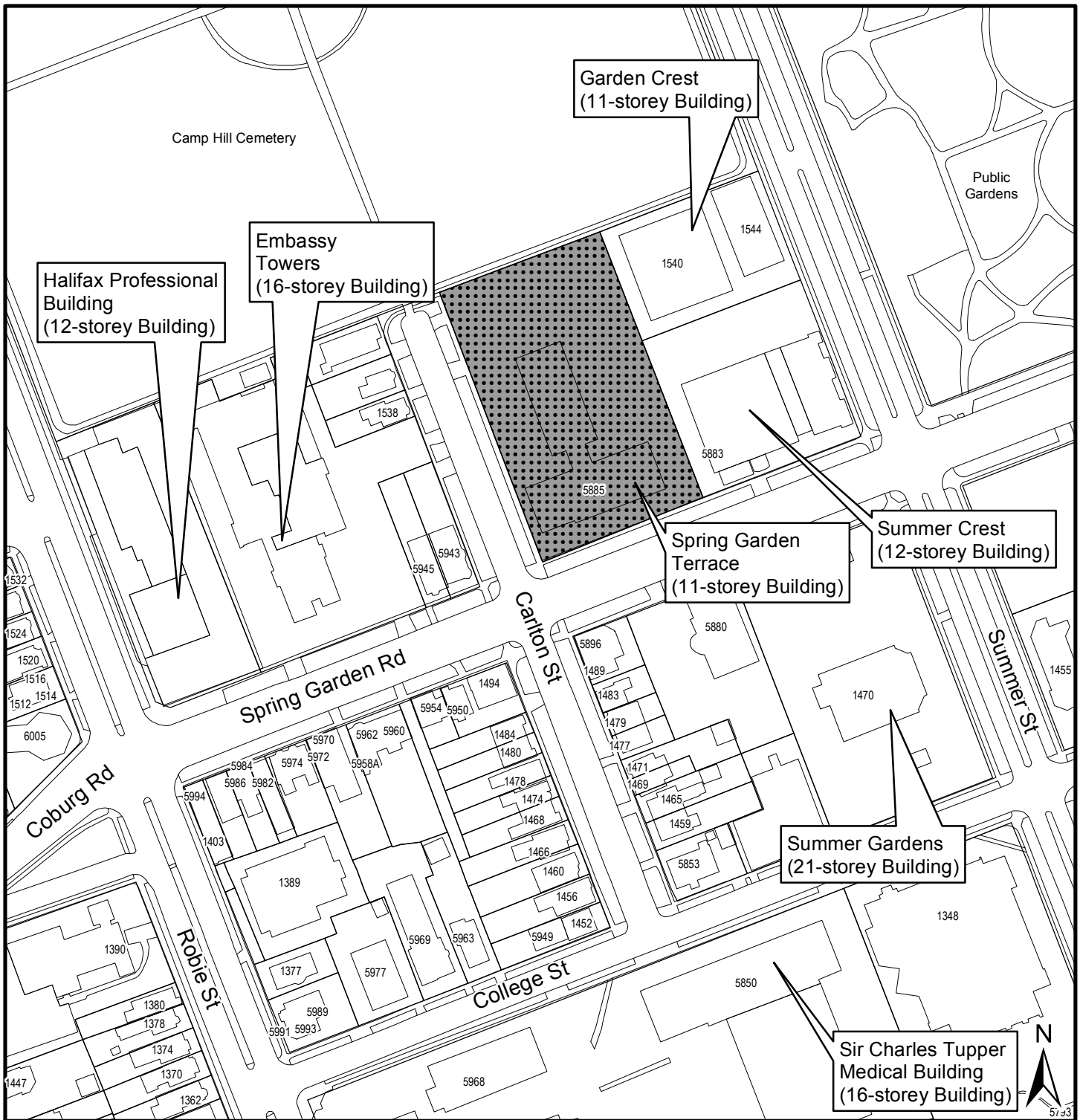


This map is an unofficial reproduction of a portion of the Height Precinct Map for the plan area indicated.

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


Please refer to ZM-17 - Height Precinct Map for full definitions of height measurement.

Halifax Peninsula
Land Use By-Law Area



Map 5 - Mid and High Rise Buildings

5885 Spring Garden Road
Halifax

 Area of proposed development agreement

HALIFAX



Halifax Peninsula
Land Use By-Law Area

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

Attachment A: Proposed Development Agreement

THIS AGREEMENT made this day of **[Insert Month]**, 20__,

BETWEEN:

[DEVELOPER]

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

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 5885 Spring Garden Road, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a mixed use residential and commercial building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and policy 8.1 of Section VI and policy 3.11 of Implementation Policies of the Municipal Planning Strategy for Halifax and Section 95(1)(e, f) of the Land Use By-law for Halifax Peninsula;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 18270;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.

1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

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

1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Regional Subdivision By-law, if not defined in these documents their customary meaning shall apply.

2.2 Definitions Specific to this Agreement

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

- (a) *Height* means the vertical distance of the highest point of the roof, excluding any mechanical rooftop equipment, above the mean grade of the finished ground adjoining the building along the principle street.

PART 3: USE OF LANDS AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 18270:

Schedule A	Legal Description of the Lands(s)
Schedule B	Site Plan
Schedule C	West Elevation
Schedule D	South Elevation
Schedule E	North Elevation
Schedule F	East Elevation
Schedule G	Landscape Plan

3.2 Requirements Prior to Approval

3.2.1 Prior to the issuance of a Development Permit for the 18 storey tower addition, the Developer shall provide to the Development Officer:

- (a) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.6 of this Agreement;
- (b) A copy of a letter from the Coordinator of Special Places with the Culture and Heritage Development Division of the Department of Communities, Culture and Heritage of the Province of Nova Scotia indicating the archaeological assessment and mitigation has been completed for the Lands and is in compliance with requirements set forth by the Province pursuant to Section 3.14 of this Agreement;
- (c) A quantitative wind impact assessment prepared by a qualified professional in accordance with Section 3.15 of this Agreement; and
- (d) A Site Servicing Plan prepared by a Professional Engineer and acceptable to the Development Engineer in accordance with Section 4 of this Agreement.

3.2.2 Upon the issuance of the Occupancy Permit, the Developer shall provide to the Development Officer:

- (a) A letter prepared by a member in good standing of the Canadian Society of Landscape Architects shall be provided to the Development Officer certifying that all landscaping has been completed according to Schedule B and Section 3.6 of this Agreement; and
- (b) Confirmation that all disturbed areas within the HRM right-of-way have been reinstated to original or better condition pursuant to Section 3.12 of this Agreement.

3.3 General Description of Land Use

The uses of the Lands permitted by this Agreement are a multiple unit residential building consisting of an eleven storey tower and eighteen storey tower, inclusive a single storey podium, and an office use.

3.4 Detailed Provisions for Land Use

- 3.4.1 The total number of residential units shall not exceed 305 units and at least 33% of the residential units shall contain 2 or more bedrooms.
- 3.4.2 The office use shall be located on the ground and basement levels and shall be a maximum of 442 square metres.
- 3.4.3 Further to the office use permitted in section 3.4.2, a rental office shall be permitted in association with the multiple unit residential use.
- 3.4.4 Additional commercial uses shall be permitted pursuant to the requirements of the underlying zone of the Land Use By-law as amended from time to time.

3.5 Height and Architectural Requirements

- 3.5.1 The building's exterior design shall be as substantially shown on Schedules C to F.
- 3.5.2 Building entrances shall be recessed and sheltered by a canopy.
- 3.5.3 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements associated with new development or alterations to the existing building shall be treated as integral parts of the design. Where appropriate these elements shall be painted to complement the colour of the adjacent surface, except where used expressly as an accent.
- 3.5.4 Large blank or unadorned walls shall not be permitted. The scale of large walls associated with new development or alterations to the existing building shall be tempered by the introduction of artwork, such as murals, textural plantings and trellises, architectural detail or a combination of these options.
- 3.5.5 Buildings associated with new development or alterations to the existing building shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Spring Garden Road, Carlton Street, the Camphill Cemetery or abutting residential properties and, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless the mechanical systems (HVAC, exhaust fans, etc.) are screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.
- 3.5.6 Access to the underground parking and solid waste collection shall be located along Carlton Street. The design shall be incorporated into the overall design of the building through the use of similar colour and similar building materials as the adjacent portions of the building.

3.6 Amenity Space and Landscaping

- 3.6.1 A combination of indoor and outdoor common amenity space shall be provided as shown on the Schedules. A minimum of 3,500 square metres of amenity space shall be provided, exclusive of balconies. A minimum of 3,000 square metres shall be provided as outdoor amenity space as shown on Schedule G.
- 3.6.2 Prior to the issuance of a Development Permit, the Developer shall provide to the Municipality a detailed Landscape Plan, prepared by a Landscape Architect. The Landscape Plan shall be reviewed by the Urban Forester of the Municipality.

- 3.6.3 The Landscape Plan shall include the following:
- (a) vegetation such as trees, shrubbery and ornamental plantings;
 - (b) areas for passive recreation such as lawn areas and seating areas;
 - (c) any landscaping or design features required as part of the wind impact assessment in accordance with Section 3.15 of this Agreement;
 - (d) lighting, in conformance with Section 3.9 of this Agreement; and
 - (e) details for each type of proposed plant material proposed shall be provided, including species list with quantities, size of material, and common and botanical names (species and variety).
- 3.6.4 Planting types shall be suitable for a rooftop environment and conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.6.5 Upon the issuance of an Occupancy Permit for the 18 storey addition, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Agreement.
- 3.6.6 Notwithstanding the above, an Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape work and the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping as shown on the Landscape Plan. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the landscaping as described herein and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.7 Parking

- 3.7.1 There shall be a of minimum of 230 underground parking spaces.
- 3.7.2 A minimum of 6 parking spaces shall be made available for the dental office visitor parking.
- 3.7.3 A minimum of 6 parking spaces shall be made available for visitor parking for the multiple unit building.
- 3.7.4 Parking space sizes shall comply with the requirements of the Land Use By-law for Halifax Peninsula.
- 3.7.5 The Developer shall provide 60 Class A bicycle parking spaces and 20 Class B bicycle parking spaces pursuant to the Land Use By-law for Halifax Peninsula.
- 3.7.6 Access to the underground parking shall be accessed from Carlton Street as shown on Schedule B.

3.8 Signage

Signage on the Lands shall be in accordance with the requirements of the underlying zone of the Land Use By-law as amended from time to time.

3.9 Outdoor Lighting

Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

3.10 Outdoor Storage

No outdoor storage shall be permitted on the Lands.

3.11 Deliveries and Solid Waste Collection

3.11.1 The private collection of refuse and recyclables on the Lands shall occur only between the hours of 7:00 a.m. and 7:00 p.m.

3.11.2 The hours specified under this section shall apply seven (7) days a week.

3.12 Maintenance

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

3.12.2 All disturbed areas shall be reinstated to original condition or better.

3.12.3 Prior to the issuance of an Occupancy Permit, all disturbed areas located in the HRM right-of-way shall be reinstated to original condition or better as determined by the Development Engineer.

3.13 Construction/Sales Structure

A temporary structure shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The structure shall be removed from the Lands upon the issuance of the Occupancy Permit for the 18 storey tower addition.

3.14 Archeological Resources

3.14.1 The Developer shall contact the coordinator of Special Places with the Culture and Heritage Development Division of the Department of Communities, Culture and Heritage of the Province of Nova Scotia prior to any disturbance of the Lands and the Developer shall comply with requirements set forth by the Province in this regard.

3.14.2 The Developer shall provide a copy of the letter from the Coordinator of Special Places with the Culture and Heritage Development Division of the Department of Communities, Culture and Heritage of the Province of Nova Scotia indicating the archaeological assessment and mitigation has been completed to the Development Officer prior to site work, not associated with the archeological assessment, on the Lands.

3.15 Wind Mitigation

3.15.1 As a condition of the issuance of a Development Permit, the Developer shall submit a quantitative wind impact assessment, prepared by a qualified professional. The assessment shall confirm, pursuant to industry standards that wind conditions, as a result of the proposed building addition, are suitable for sitting, standing, or walking in the following areas:

- (a) Sitting: Areas around the pool, residential terraces on the podium, and outdoor amenity space at the mezzanine level during the summer;
- (b) Standing: Sidewalk areas adjoining the lands at the north-east corner of Carlton Street and Spring Garden Road and all main building lobby entrances during the spring, summer and fall seasons; and
- (c) Walking: Sidewalks along Carlton Street and the Camp Hill Cemetery during spring, summer and fall seasons.

Pursuant to industry standards, the levels of comfort, noted above, shall be expected for a minimum of four out of five days (80% of the time) during the noted seasons.

- 3.15.2 In order to achieve the levels of pedestrian comfort pursuant to 3.15.1, mitigation measures, such as the installation of canopies, screens, and vegetation, that do not substantially change the development may be approved by the Development Officer. Further changes can be considered through a non-substantive amendment pursuant to Section 6.1 of this Agreement.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All construction shall conform to the most current edition of the HRM Municipal Design Guidelines and Halifax Water's Design and Construction Specifications and shall receive written approval from the Development Engineer prior to undertaking any work.
- 4.1.2 Any disturbance to existing off-site infrastructure resulting from the development, including streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer and shall be reinstated, removed, replaced, or relocated by the Developer as directed by the Development Engineer. Furthermore, the Developer shall be responsible for all costs and work associated with the relocation of on-site/ off-site underground services, overhead wires and traffic signals to accommodate the needs of the development.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plans

Prior to the commencement of any site work on the Lands for construction of streets and services, including grade alteration or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:

- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared, stamped and certified by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
- (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared, stamped and certified by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and
- (c) Submit to the Development Officer a detailed Site Grading Plan prepared, stamped and

certified by a Professional Engineer, which shall include an appropriate stormwater management system. The Site Grading Plan shall identify structural and vegetative stormwater management measures, which may include infiltration, retention, and detention controls, wetlands, vegetative swales, filter strips, and buffers that will minimize adverse impacts on receiving watercourses during and after construction.

5.3 Failure to Conform to Plans

If the Developer fails at any time during any site work or construction to fully conform to the approved plans as required under this Agreement, the Municipality shall require that all site and construction works cease, except for works which may be approved by the Development Engineer to ensure compliance with the environmental protection measures.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.

- (a) Internal expansions to the office use as outlined in Section 3.4.2 of this Agreement;
- (b) Variations to the design of the roof as outlined in the Section 3.5.1 of this Agreement, provided there is no increase in the height of the building;
- (c) Variations to the exterior building material as outlined in Section 3.5.1 of this Agreement;
- (d) Changes to the Amenity and Landscaping requirements as detailed in Section 3.6 of this Agreement;
- (e) Changes to the requirements for Parking in Section 3.7 of this Agreement
- (f) Changes to the Signage requirements as outlined in Section 3.8 of this Agreement;
- (f) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
- (g) The length of time for the completion of the development as identified in Section 7.5 of this Agreement.

6.2 Substantive Amendments

6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

7.2 Subsequent Owners

7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.

7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

7.3.1 In the event that development on the Lands has not commenced within 3 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

7.3.2 For the purpose of this Section, commencement of development shall mean the issuance of a Development Permit for the proposed 18 storey addition.

7.3.3 For the purpose of this Section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1 of this Agreement, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4 Completion of Development

Upon the completion of the whole development or complete phases of the development, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement; or
- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Halifax Peninsula as may be amended from time to time.

7.5 Discharge of Agreement

7.5.1 If the Developer fails to complete the development after 5 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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

8.2 Failure to Comply

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 14 days written notice of the failure or default, then in each such case:

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

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

 Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

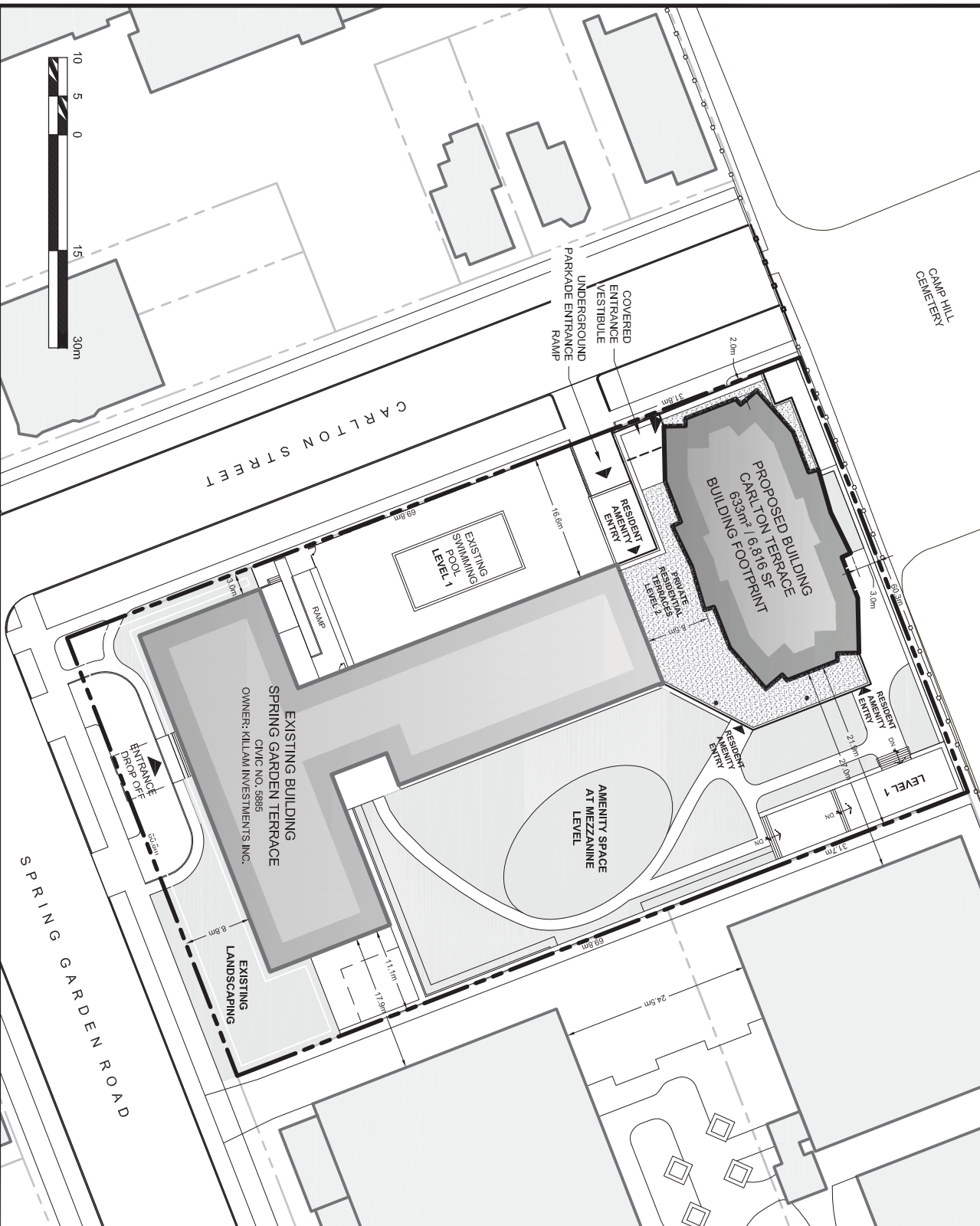
SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

 Witness

Per: _____
 MAYOR

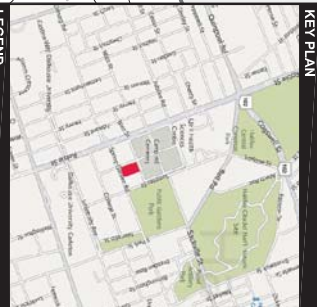
 Witness

Per: _____
 MUNICIPAL CLERK



WSP
MICHAEL
APIER
ARCHITECTURE INC.

SCHEDULE B: SITE PLAN
PROPOSED RESIDENTIAL DEVELOPMENT
Spring Garden Road, Halifax, Nova Scotia



LEGEND
 - Site Boundary
 - Adjacent Property Boundary

NOTES:
 • Site subject to survey

SOURCES:
 • Plan based on landscape plan dwg no. A-0010, dated Feb 2011, CAD file: 20130 Carlton Terrace - Siteplan.dwg

Designer: L.PEEL
 Planner: J.HAGGETT
 VERSION: **2.1**

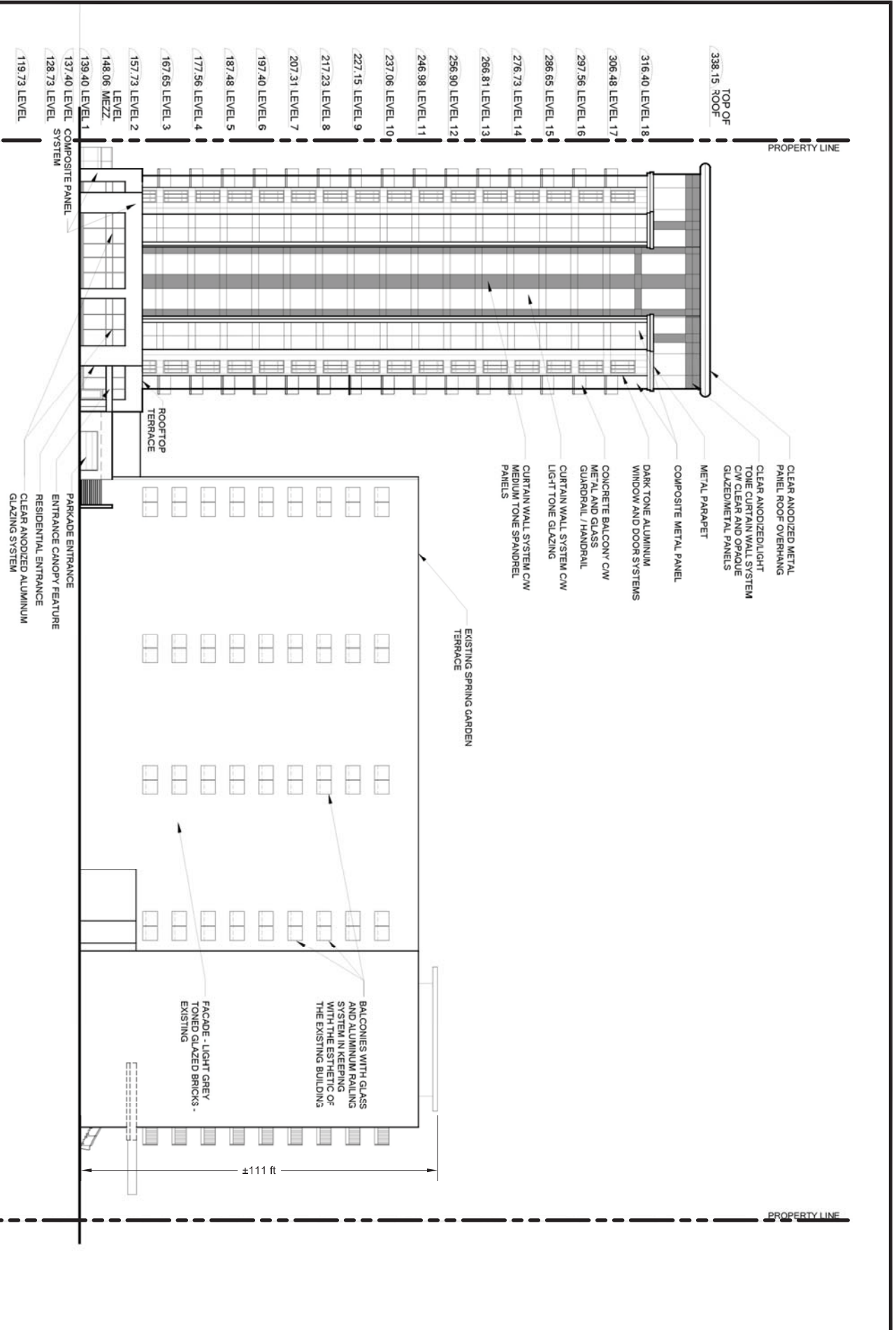
SITE PLAN
CARLTON TERRACE
 SPRING GARDEN ROAD, HALIFAX, NS

KILLAM PROPERTIES INC.
 FEBRUARY 25, 2014
 D09287100_LV21
 SCALE: 1:750
 NORTH



1 SPECTRUM LANE, 9TH FLOOR
 DARTMOUTH, NOVA SCOTIA, CANADA, B3B X17
 PHONE: 902.692.9955 FAX: 902.692.9445 WWW.WSPGROUP.COM

WSP
 SCALE: 1:750 METRIC
 DATE: 12-MAR-2015



MZ
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 R C H I T E C T U R E P L C

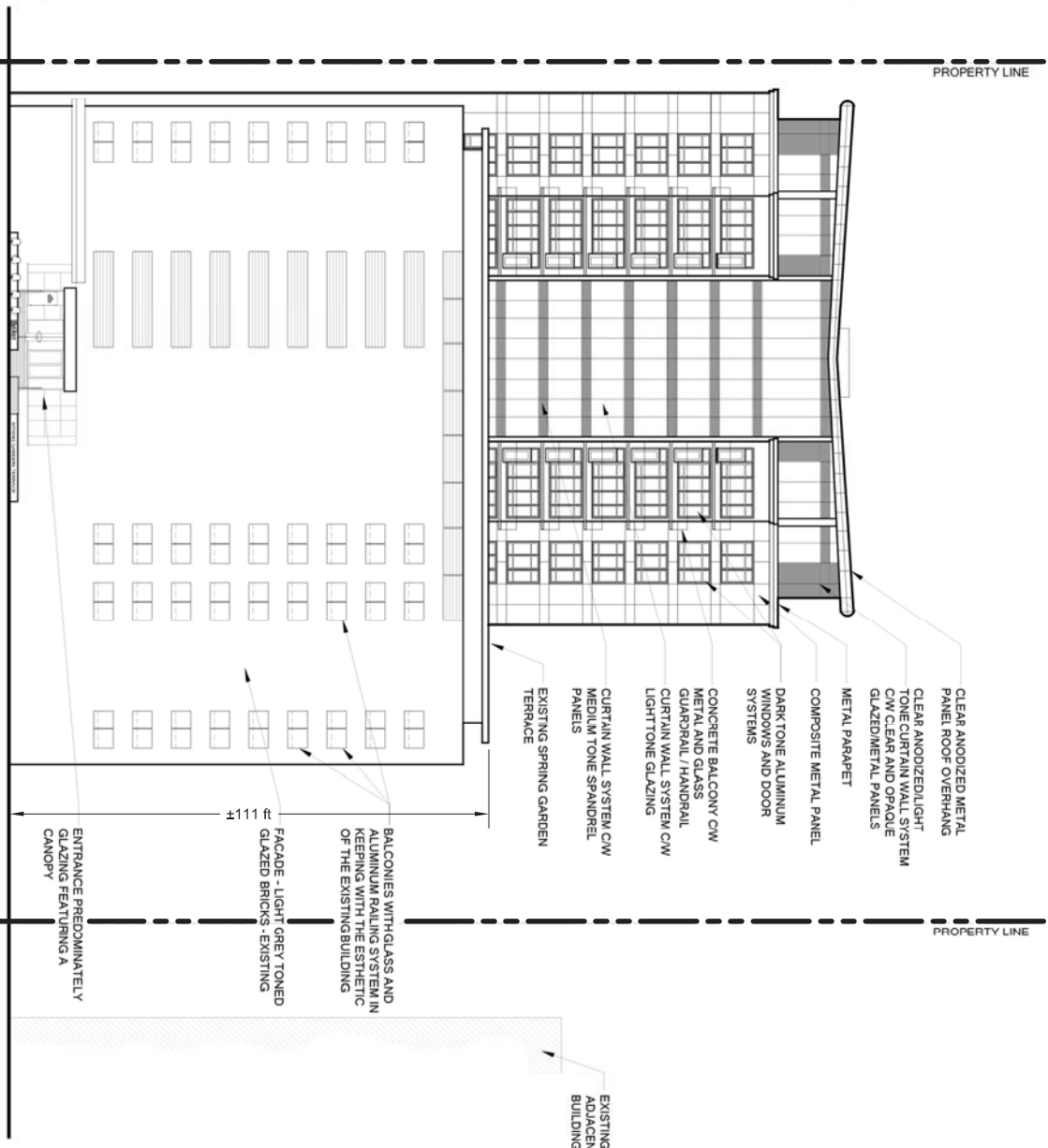
SCHEDULE C: WEST ELEVATION
PROPOSED RESIDENTIAL DEVELOPMENT
 Spring Garden Road, Halifax, Nova Scotia

SCALE:
 N.T.S.
 DATE:
 12-MAR-2015



MZ
MICHAEL
APIER
ARCHITECTURE INC.

- 338.15 TOP OF ROOF
- 316.40 LEVEL 18
- 306.48 LEVEL 17
- 297.56 LEVEL 16
- 286.65 LEVEL 15
- 276.73 LEVEL 14
- 266.81 LEVEL 13
- 256.90 LEVEL 12
- 246.98 LEVEL 11
- 237.06 LEVEL 10
- 227.15 LEVEL 9
- 217.23 LEVEL 8
- 207.31 LEVEL 7
- 197.40 LEVEL 6
- 187.48 LEVEL 5
- 177.56 LEVEL 4
- 167.65 LEVEL 3
- 157.73 LEVEL 2
- 148.06 LEVEL MEZZ
- 139.40 LEVEL 1
- 137.40 LEVEL
- 128.73 LEVEL
- 119.73 LEVEL



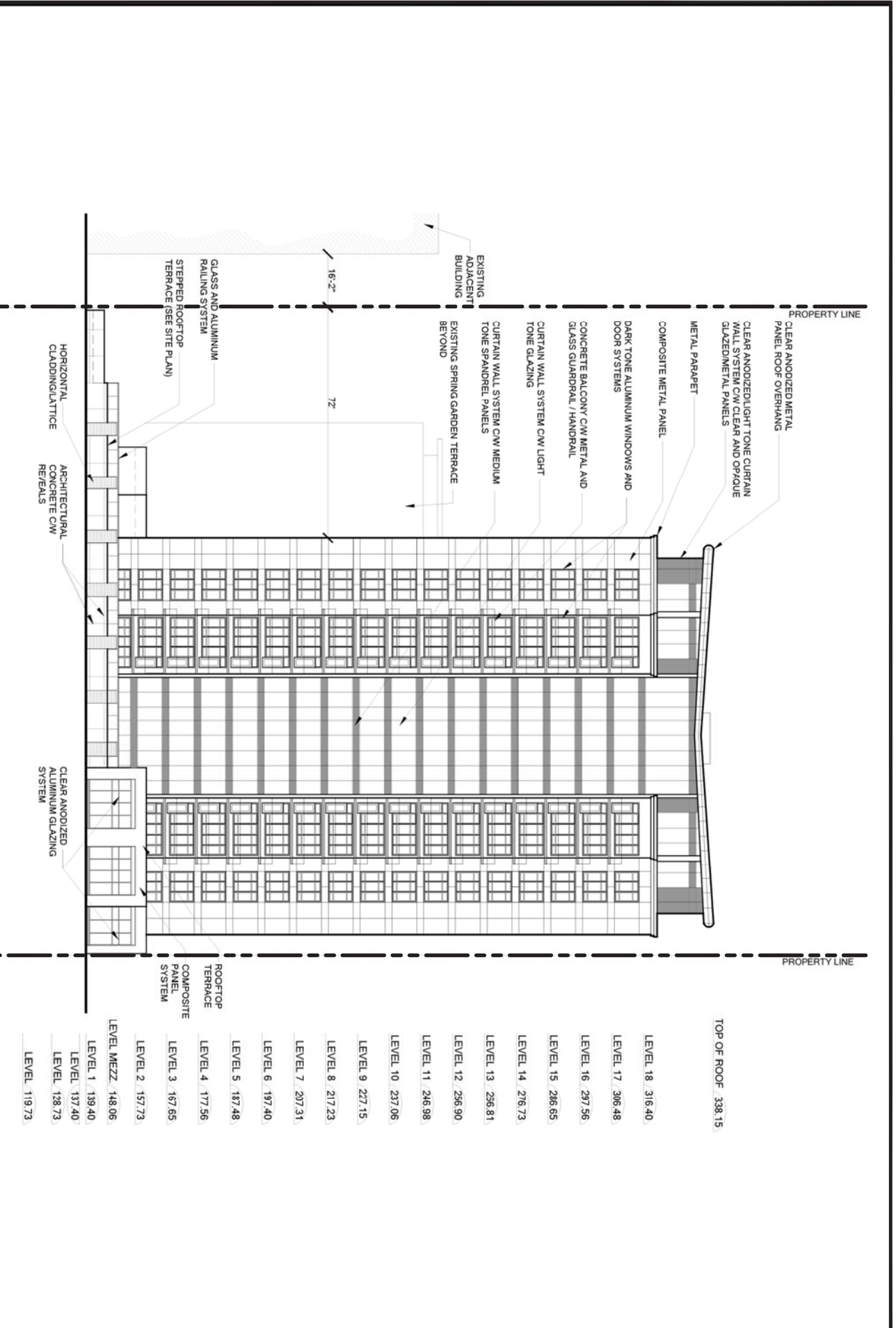
SCHEDULE D: SOUTH ELEVATION
PROPOSED RESIDENTIAL DEVELOPMENT
Spring Garden Road, Halifax, Nova Scotia

SCALE: N.T.S.
DATE: 12-MAR-2015



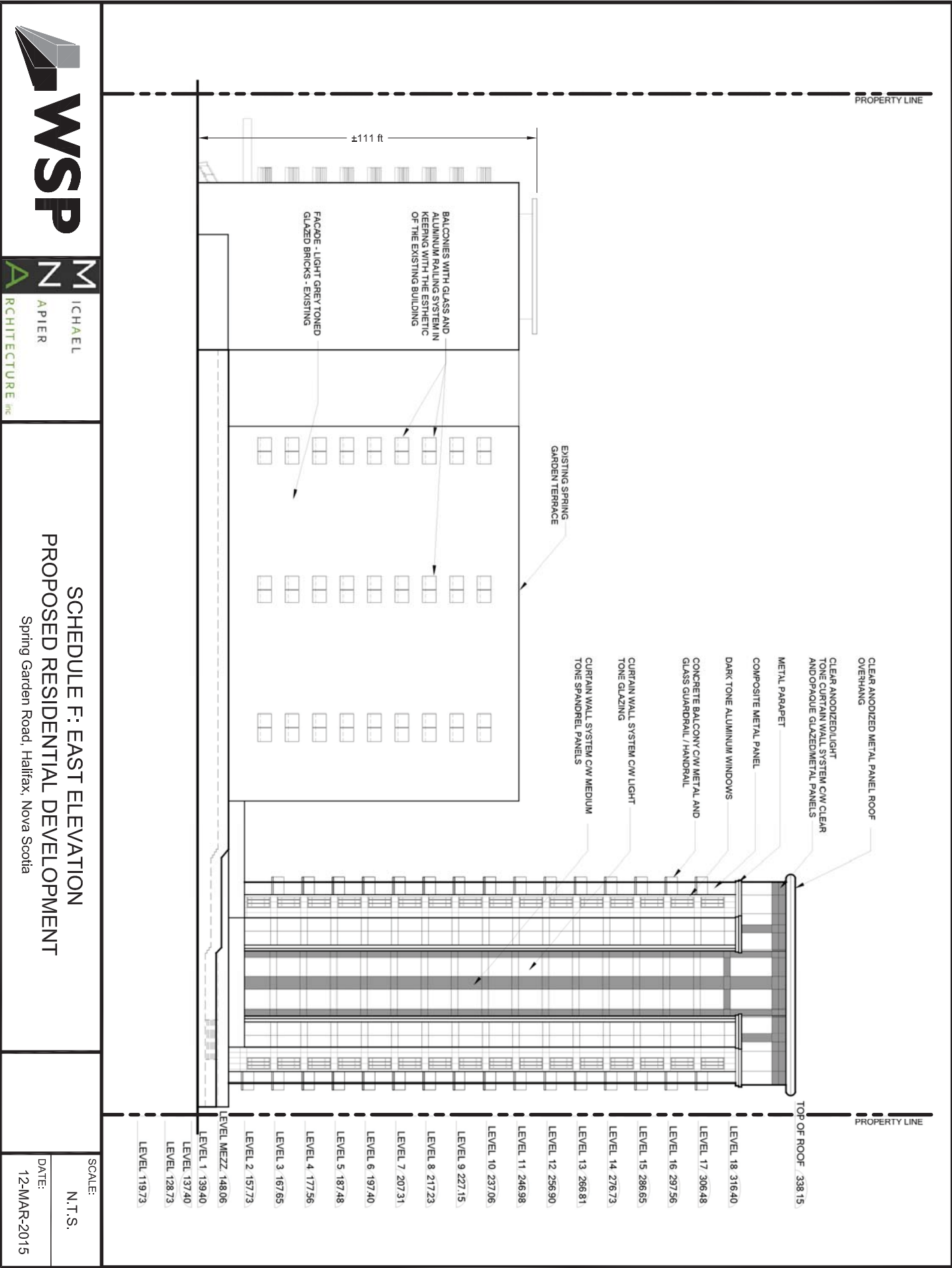
MZ
MICHAEL
APLER
ARCHITECTURE INC.

SCHEDULE E: NORTH ELEVATION
PROPOSED RESIDENTIAL DEVELOPMENT
Spring Garden Road, Halifax, Nova Scotia



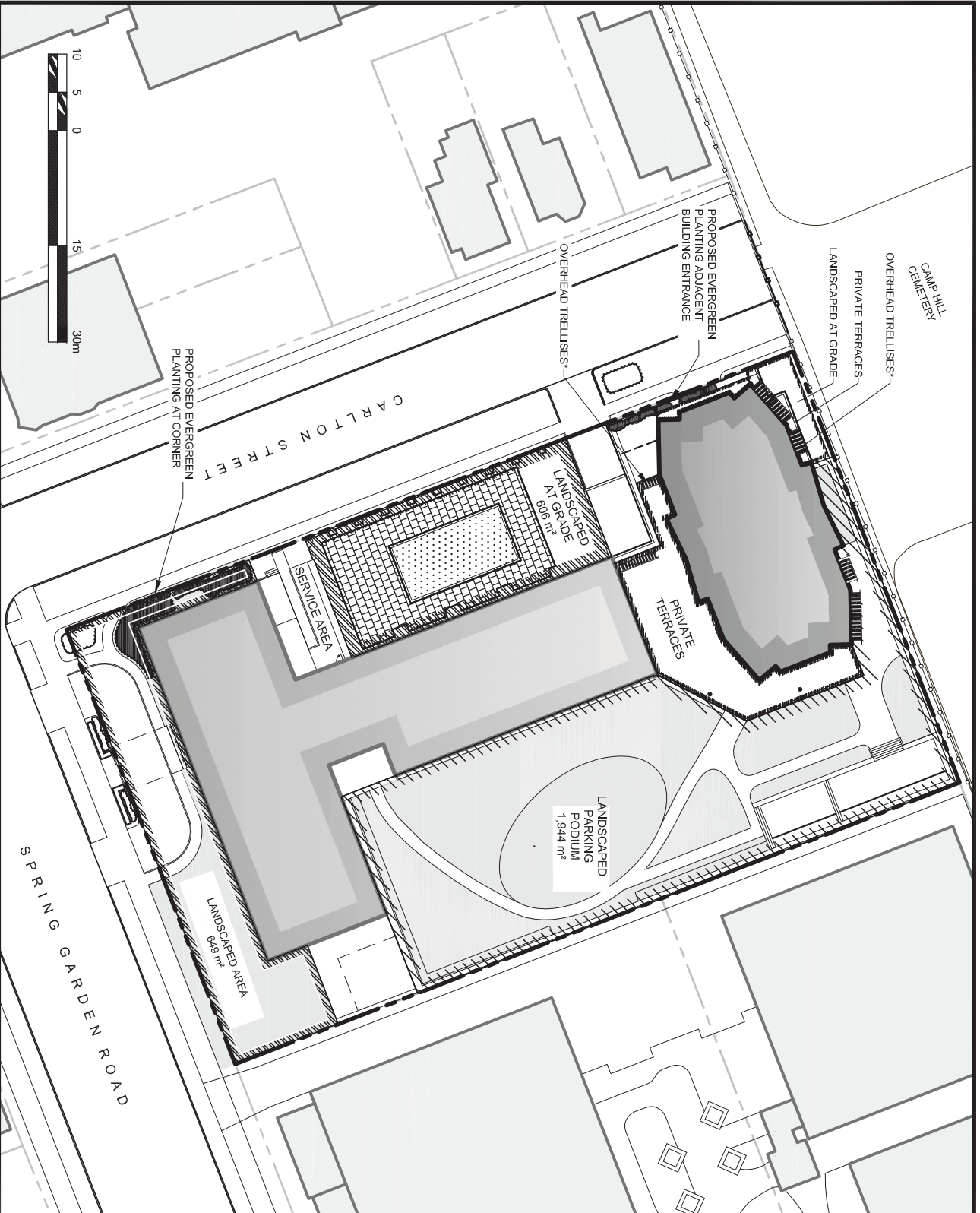
SCALE:
N.T.S.

DATE:
12-MAR-2015



SCHEDULE F: EAST ELEVATION
PROPOSED RESIDENTIAL DEVELOPMENT
Spring Garden Road, Halifax, Nova Scotia

SCALE:
N.T.S.
DATE:
12-MAR-2015



WSP
MICHAEL
APLIER
ARCHITECTURE INC.

SCHEDULE G: LANDSCAPE PLAN
PROPOSED RESIDENTIAL DEVELOPMENT
Spring Garden Road, Halifax, Nova Scotia

SCALE: 1:750 METRIC
DATE: 12-MAR-2015

1 SPECTRUM LANE, 9TH FLOOR
DARTMOUTH, NOVA SCOTIA, CANADA, B3B X7
PHONE: 902.692.9955 FAX: 902.692.9445 WWW.WSPGROUP.COM

MARCH 18, 2014
SCALE 1:750
NORTH

KILLAM PROPERTIES INC.
D09267(00_V22)

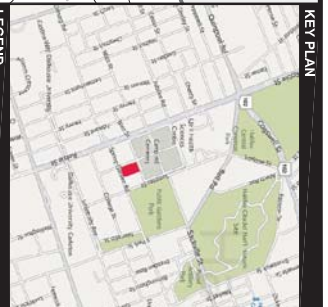
LANDSCAPE PLAN
CARLTON TERRACE
SPRING GARDEN ROAD, HALIFAX, NS

DESIGNER: MOWEN
PLANNER: JHAGGETT
VERSION: 2.2

SOURCES:
• Plan based on landscape plan dwg no. A-0010, dated Feb 2011, CAD file: 20130 Carlton Terrace - Sheplian.dwg

NOTES:
• Site subject to survey

LEGEND
Site Boundary
Adjacent Property Boundary



**Attachment B
Proposed Discharging Agreement**

THIS DISCHARGING AGREEMENT made this day of **[Insert Month]** , 2015,

BETWEEN:

[Insert name here],
a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 5885 Spring Garden Road, Halifax, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer and the Municipality entered into a development agreement to allow for two offices on the ground floor (referenced as Municipal Case Number 4205), the said amending agreement being recorded at the Registry of Deeds in Halifax on November 10, 1982 as Document # 46949 (hereinafter called the "First Existing Agreement");

AND WHEREAS the Developer and the Municipality entered into a second development agreement to allow for a dental office in an existing apartment building (referenced as Municipal Case Number 00280), the said amending agreement being recorded at the Registry of Deeds in Halifax on March 8, 2001 as Document # 7442 (hereinafter called the "Second Existing Development Agreement");

AND WHEREAS the Developer has requested that the existing development agreements be discharged to enable the development of the Lands subject to a new development agreement;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 18270;

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

1. The First Existing Development Agreement and the Second Existing Development Agreement are hereby discharged and shall no longer have any force or effect.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in
the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

SIGNED, DELIVERED AND ATTESTED

To by the proper signing officers of Halifax
Regional Municipality, duly authorized in that
Behalf, in the presence of:

HALIFAX REGIONAL MUNICIPALITY

Witness

Per: _____

MAYOR

Witness

Per: _____

MUNICIPAL CLERK

Attachment C
Review of Relevant Policies from the Municipal Planning Strategy for Halifax and the Regional Municipal Planning Strategy

Policy Criteria	Staff Review
SECTION VI PENINSULA CENTRE AREA PLAN	
1. RESIDENTIAL ENVIRONMENTS Objective: The maintenance of Peninsula Centre as a predominantly low-rise residential neighbourhood with an emphasis on housing accommodation for family households.	
1.1 In the Peninsula Centre Area, residential development shall occur through retention and rehabilitation of housing stock, and provisions shall be made for infill and, in selected areas, redevelopment.	The proposed development agreement will retain the existing multiple unit dwelling and allow for the development of an area of land that is currently used as an at grade parking lot.
1.1.1 The City shall encourage the retention and creation of dwelling units suitable for families with children.	The proposed development agreement requires that at least 33% of the residential units contain two or more bedrooms.
1.1.2 For the purposes of this Plan, a single definition of infill housing shall not be employed. The diverse physical and social elements of residential areas should be respected through the selective application of several forms of compatible infill housing.	
1.1.3 The forms of infill housing permitted in Peninsula Centre shall include: (a) interior conversion; (b) additions to existing structures; (c) filling-in-between existing buildings; and (d) building on vacant lots.	The proposed development agreement enables the addition to an existing multiple unit dwelling.
1.1.4 For the purposes of this Plan, the concept of compatibility shall be deemed to require that infill housing projects are compatible with and enhance the existing development context of a neighbourhood. The City shall use as a guideline in considering rezonings, zoning amendments or contract agreements the key principle of not significantly changing the character of an area when reviewing infill housing proposals.	Although there are three lower density (1 to 4 units) dwellings located directly across the street from the proposed addition, the majority of surrounding uses are high-rise residential and commercial buildings. As the proposed building addition is located behind the existing building which fronts Spring Garden Road, it will have a negligible impact on the Spring Garden Road streetscape. See the main body of the report for further discussion.

<p>1.1.5 Without limiting the generality of Policy 1.1.4 above, the City shall, in reviewing proposals for compatibility with the surrounding area, have regard for the relationship of the proposal to the area in terms of the following:</p> <ul style="list-style-type: none"> (a) land use; (b) scale and height; (c) population density; (d) lot size, lot frontage, setback, lot coverage and open space; and (e) service requirements, including parking. 	<p>See the main body of the report</p>
<p>1.1.6 Further to Policy 1.1.5 above, existing development standards will be assessed against their capacity to achieve the policies of this Detailed Area Plan with respect to infill housing and with respect to preservation of existing housing. Existing development standards will be amended as necessary to implement the policies of this Plan.</p>	<p>The proposed development agreement will allow for a building addition that does not comply with height, angle controls (setbacks) and density requirements of the LUB.</p>
<p>1.1.7 Further to Policy 1.1.6 above, open space and landscaping will be given special attention to ensure that amenity space in new development projects is useable and to foster attractive residential environments which address the needs of a variety of household types.</p>	<p>The proposed development agreement requires 3,500 square metres of amenity space with 3,000 square meters required to be outdoor.</p> <p>Landscaping is required as part of the outdoor amenity space and must include trees, shrubbery and ornamental plantings. The outdoor amenity areas shall also include areas for passive recreation such as lawn areas and seating areas.</p>
<p>1.1.8 The Zoning By-law shall be amended to include height limitations for development in accordance with Policies 4.6.3, 4.7.2, 8.1.1 and 8.4.1 and in accordance with the general intent for land-use control as defined by the policies of this Plan. Where there is not specific guidance by the policies of this Plan for specific height limitations, such limitations shall be included based on:</p> <ul style="list-style-type: none"> (i) the forms of development and distribution of land use identified on the Generalized Future Land Use Map (Map 2) of this Plan; (ii) the necessity to ensure that appropriate development of any given lot may be secured within the policies of this Plan; and (iii) to fulfill the policy intent that quality residential, commercial, institutional and industrial environments are maintained and encouraged without undue impact on adjacent land uses. 	<p>Height is specifically guided by policy 8.1.1, which requires consideration of the shadow impact on the Public Gardens (see policy analysis below).</p> <p>Further, when reviewing the proposed increase in height for the subject property, staff assessed the surrounding uses and building heights. See the main body of the report for further analysis.</p>
<p>1.2 The City shall encourage the retention and creation of family-type housing in Peninsula Centre.</p>	<p>The proposed development agreement requires 33% of the residential units to contain two or more bedrooms.</p>

<p>1.2.1 Family-type housing units should be provided with private open space at grade comprising both soft-surfaced and hard-surfaced areas for the exclusive use of occupants of the building in which said family units are located.</p>	<p>As no residential units are located at grade, there are no units that will be provided private at grade space. Private balconies will be provided for the majority for the units.</p>
<p>1.2.2 Any new residential development containing more than twenty family-type dwelling units should provide a children's play area enclosed on all four sides, landscaped and buffered appropriately, of not less than 2,000 square feet. Such play areas shall be required to be located on the south or west side of the building and be located in such a manner as to be visible from the building.</p>	<p>The proposed development will include a minimum of 101 units with two or more bedrooms which could be considered family type units.</p> <p>The proposed development agreement requires a large amount of amenity space, which could be used as a child's play area. The majority of the outdoor amenity space is located on the east side of the property which is away from the public street and parking garage access.</p> <p>It is further important to note that the subject property is in close proximity to public open spaces , such as the Camp Hill Cemetery, Public Gardens and Commons.</p>
<p>1.2.3 In reviewing applications for rezonings, zoning amendments, or contract agreements, the City shall be guided by Policies 1.2.4 and 1.2.5 with respect to family-type housing units.</p>	<p>See policy analysis below.</p>
<p>1.2.4 Residential development shall be planned to ensure maximum buffering between children's activity areas and parking areas, streets and other similar safety hazards.</p>	<p>The majority of the outdoor amenity space is located on the east side of the building which is away from the public street and parking garage access.</p>
<p>1.2.5 For development applications which include family-type housing units, the City shall have regard for the provision of opportunities for visual surveillance and supervision of children's play areas through site designs which maximize the views from windows in the building and from public areas to children's activity areas.</p>	<p>The proposed building has windows facing the amenity area on the subject property and the abutting public open space (Camp Hill Cemetery).</p>
<p>1.3 For the purposes of this Plan, the City shall further define residential environments as comprising three categories:</p> <ul style="list-style-type: none"> (i) low-density residential; (ii) medium-density residential; and (iii) high-density residential. 	<p>The subject property is designated as high density residential.</p>
<p>1.6 Buildings in areas shown as high-density residential on the Future Land Use Map of this Plan shall be required to provide, at a minimum, a mix of family and non-family type dwelling units at a ratio of 1:2.</p>	<p>The proposed development agreement requires that at least 33% of the units are developed as two or more bedroom units.</p>

<p>1.9 In reviewing applications for rezonings, zoning amendments or contract agreements in areas where the Plan provides for a change in use from non-residential uses to residential uses, the City shall be guided by Policies 1.9.1 to 1.9.6 of this Plan.</p>	
<p>1.9.1 Public expenditure for new services which may be required for development at the time of application shall not exceed those currently provided for within the City's capital budget.</p>	<p>New services are not required as part of this development.</p>
<p>1.9.2 The City shall ensure that any trees or other natural vegetation or open spaces affected by the proposed development shall be preserved where possible.</p>	<p>The subject area is adjacent to various municipally owned trees. Those trees cannot be removed and if they are damaged, compensation as determined by the Urban Forester of the Municipality will be required.</p> <p>Further, through shadow impact analysis, it was determined that shadow impact would have little effect to the tree health in the Camp Hill Cemetery where the shadow impact is most prominent.</p>
<p>1.9.3 The City shall have regard for the adequacy of outdoor lighting in public and private areas of the development and the sight lines to those areas from all parts of the development.</p>	<p>The proposed development agreement requires lighting for the outdoor amenity areas. Additional lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.</p>
<p>1.9.4 The City shall have regard for the proximity of the development to recreational facilities including neighbourhood parks, district parks and regional parks. In addition, the availability of informal paths of an active recreational setting within a development shall be assessed and encouraged where appropriate.</p>	<p>The development abuts the Camp Hill Cemetery which is a large public open space. Through the Camp Hill Cemetery there is direct access to Carlton Street and there are pathways which lead to the Public Gardens.</p>
<p>1.9.5 The City shall have regard for the serviceability of the development by public transit and give due consideration to any changes in the routing of public transit vehicles or public transit stops to accommodate said development, and, where appropriate, it shall take action through representations to the regional transit authority.</p>	<p>There subject property is on Spring Garden Road which is a major transit route. Further, the subject property is in close proximity to Robie Street which is another major transit route.</p>
<p>1.9.6 The City shall have regard for the creation of pedestrian linkages between the proposed development, neighbourhood commercial uses, and recreational facilities. Where possible, the City shall encourage improved pedestrian linkages through sidewalk renewal, improved lighting, and appropriate street furniture.</p>	<p>Sidewalks currently are located on both side of Carlton Street and both sides of Spring Garden Road. There are pathways through the Camp Hill Cemetery that lead to the Public Gardens.</p>

<p>1.11 The City shall pay particular attention in developing appropriate zoning regulations to carry out the policies of this Plan, and in reviewing applications for rezonings, zoning amendments or contract agreements for areas of transition between residential and non-residential uses, to the relationship between such uses, and shall attempt to minimize any negative impacts which may potentially occur.</p>	<p>The proposed development is located in an area which already includes various tall buildings. The proposed 18 storey addition is located behind the existing 11 storey building and will have a little effect on Spring Garden Road.</p> <p>Along Carlton Street the tower portion of the building has a large setback in the rear of the property to reduce the impact of the buildings as part of the Garden Crest Development.</p> <p>A shadow analysis was completed for the site and is discussed further in the main body of the report.</p>
<p>8. SUB-AREA POLICIES</p> <p>Sub-Areas Definition: For the purpose of setting out the detailed sub-area policies of this Plan, sub-areas shall be identified as shown on Map</p>	
<p>8.1 SPRING GARDEN ROAD SUB-AREA</p>	
<p>8.1.1 The City shall amend its zoning by-laws to include a height restriction on development in the vicinity of the Public Gardens so as to ensure a minimum of shadow casting on the Public Gardens.</p>	<p>A height limit of 13.7 metres (45 feet) was placed on the subject property under Map ZM-17 of the LUB. The proposed development of a taller building (61 metres) was subject to a shadow study in regards to the impact on the Public Gardens. It was noted through the design of the taller building the shadow impact on the Public Gardens would be minimal.</p>
<p>8.1.2 The City shall consider an application under the provisions of Section 33(2)(b) of the Planning Act for a development in the Spring Garden Road Sub-Area north of Spring Garden Road which would exceed the height precinct so established through Policy 8.1.1 above, and, in so doing, the City shall require that any proposed development not cast a significant amount of shadow on the Public Gardens during that period of the year during which the Public Gardens is open to the public.</p>	<p>A shadow study was completed for the proposed development and it was determined there would be little shadow impact to the Public Gardens. See the main body of the report for further discussion.</p>
<p>8.1.3 The City shall consider an application under the provisions of Section 33(2)(b) of the Planning Act for inclusion of office uses in an apartment building, provided that:</p> <ul style="list-style-type: none"> (i) the said uses are located on the ground floor of the building; (ii) access is separately accessible to the said use; and (iii) parking spaces associated with said uses are separately accessible for spaces associated with the apartment uses. 	<p>The proposed development includes maintaining the dentist office use.</p> <p>The office use is located on the ground floor.</p> <p>There is a separate access to the office use.</p> <p>The development agreement requires a minimum of 6 spaces for the office use.</p>
<p>8.1.4 For the area designated "High-Density Residential" on the southwest intersection of Spring Garden Road and Summer Street and extending to</p>	<p>n/a</p>

<p>College Street, the City may consider applications for residential developments under the development agreement provisions of the Planning Act beyond the height precincts established pursuant to Policy 8.1.1, provided that no development shall be permitted which would cast shadows on the Public Gardens any day between February 21 and October 21 each year.</p>	
<p>IMPLEMENTATION POLICIES</p>	
<p>3.11 Further to Policies 1.8, 1.12, 6.1.1, 8.1.2, 8.1.3, 8.1.4, and 8.3.3 respectively in Section VI of this Plan, the City may, under the development agreement provisions of the Planning Act, issue a development permit for a development which would not otherwise meet the provisions of the Land Use By-law.</p>	<p>Further to the allowance for greater height the proposed development includes variations from the LUB in relation to the allowable density, setbacks (including angle controls), open space requirements and parking requirements.</p>
<p>3.11.1 In entering agreements pursuant to Policy 3.11, Council shall be guided by the policies contained in Section VI of this Plan, and shall not enter into agreements which are inconsistent with those policies of this Plan.</p>	<p>Please refer to the policy analysis above.</p>
<p>SECTION II – CITY WIDE OBJECTIVES AND POLICIES</p>	
<p>8. ENVIRONMENT</p>	
<p>8.6 The City should make every effort to ensure that developments do not create adverse wind and shadow effects. The means by which this policy shall be implemented shall be considered as part of the study called for in Part III.</p>	<p>A shadow study and qualitative wind impact assessment were submitted as part of this application.</p> <p>The shadow study indicated the proposed building would not have a negative effect on surrounding public open spaces.</p> <p>The qualitative wind impact assessment indicated that various design measures should be incorporated into the design of the building to mitigate wind. These measures can be specifically defined through a quantitative wind impact assessment. The proposed development agreement requires a quantitative assessment be completed at the permit stage and that the development include mitigation measure that are required as a result of the quantitative assessment.</p>

Attachment D
Review of Relevant Policies from the Regional Municipal Planning Strategy

Policy Criteria	Staff Review
7.4 DEVELOPMENT ABUTTING REGISTERED HERITAGE PROPERTIES	
<p>The Halifax Secondary Planning Strategy contains criteria requiring that the architecture of new development in the immediate environs of heritage properties be sensitive and complementary to the heritage properties. While this criterion applies only within the Halifax Plan Area, the development of properties which abut federally, provincially or municipally registered heritage properties in all areas of HRM also warrants consideration. In accordance with Policy RC-3 HRM will prepare a Regional Centre Urban Design Study that will be coordinated with the Culture and Heritage Priorities Plan (Policy CH-3). Once completed this plan will, among other things, address and clarify issues surrounding heritage protection and new development.</p> <p>In the interim, Policy CH-16 will provide guidance for development abutting heritage properties. The intent is to support innovative design solutions, with emphasis on heritage integration, that incorporate architecture, place-making, and material selection of the highest quality that are appropriate in relation to their abutting neighbours.</p>	
<p>CH-16 For lands abutting federally, provincially or municipally registered heritage properties, HRM shall, when reviewing applications for development agreements, rezonings and amendments pursuant to secondary planning strategies, or when reviewing the provision of utilities for said lands, consider a range of design solutions and architectural expressions that are compatible with the abutting federally, provincially or municipally registered heritage properties by considering the following:</p>	
<p>(a) the careful use of materials, colour, proportion, and the rhythm established by surface and structural elements should reinforce those same aspects of the existing buildings;</p>	<p>See the main body of the report.</p>
<p>(b) ensuring that new development is visually compatible with yet distinguishable from the abutting registered heritage property. To accomplish this, an appropriate balance must be struck between mere imitation of the abutting building and pointed contrast, thus complementing the abutting registered heritage property in a manner that respects its heritage value;</p>	<p>See the main body of the report.</p>
<p>(c) ensuring that new developments respect the building scale, massing, proportions, profile and building character of abutting federally, provincially or municipally registered heritage structures by ensuring that they:</p> <p>(i) incorporate fine-scaled architectural detailing and human-scaled building elements.</p> <p>(ii) reinforce, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage properties; and</p> <p>(iii) any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm and abutting registered heritage properties by incorporating design solutions, such as stepbacks from the street wall and abutting registered heritage properties, modulation of building massing, and other methods of massing articulation using horizontal or vertical recesses or</p>	<p>See the main body of the report.</p>

projections, datum lines, and changes in material, texture or colour to help reduce its apparent scale;	
(d) the siting of new developments such that their footprints respect the existing development pattern by: (i) physically orienting new structures to the street in a similar fashion to existing federally, provincially or municipally registered heritage structures to preserve a consistent street wall; and (ii) respecting the existing front and side yard setbacks of the street or heritage conservation district including permitting exceptions to the front yard requirements of the applicable land use by-laws where existing front yard requirements would detract from the heritage values of the streetscape;	See the main body of the report.
(e) not unreasonably creating shadowing effects on public spaces and heritage resources;	A shadow analysis was completed for the site and it was determined that there would be minimal impact on the neighbouring public open space. See the main body of the report for further discussion.
(f) complementing historic fabric and open space qualities of the existing streetscape;	See the main body of the report.
(g) minimizing the loss of landscaped open space;	The proposed 18 storey addition is to be developed on an existing asphalt parking lot. There will be no loss of landscaped open space. There will be additional landscaped open space on the podium of the addition.
(h) ensuring that parking facilities (surface lots, residential garages, stand-alone parking and parking components as part of larger developments) are compatible with abutting federally, provincially or municipally registered heritage structures;	See the main body of the report. Further all parking will be located underground.
(i) placing utility equipment and devices such as metering equipment, transformer boxes, power lines, and conduit equipment boxes in locations which do not detract from the visual building character or architectural integrity of the heritage resource;	See the main body of the report. Further all utility equipment is to be incorporated into the design of the building.
(j) having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and	See the main body of the report.
(k) any applicable matter as set out in Policy G-14 of this Plan.	NA

For the purposes of Policy CH-16, the following definitions apply:

1. "Abutting" means adjoining and includes properties having a common boundary or a building or buildings that share at least one wall. Properties are not abutting where they share only one boundary point as opposed to a boundary line.
2. "Building scale" means a building's size relative to another building's size, or the size of one building's elements relative to another building's elements.

3. "Massing" means the way in which a building's gross cubic volume is distributed upon the site, which parts are higher, lower, wider, or narrower.
4. "Proportion" means the relationship of two or more dimensions, such as the ratio of width to height of a window or the ratio of width to height of a building or the ratio of the height of one building to another.
5. "Profile" means a building's cross-sectional shape or the shape of its outline.
6. "Building character" means the combined effect of all of the architectural elements of a building or a group of buildings.
7. "Human-scaled building elements" means a range of building details from small (masonry units, doorknobs, window muntins, etc.) to medium (doors, windows, awnings, balconies, railings, signs, etc.) to large (expression of floor lines, expression of structural bays, cornice lines, etc.).
8. "Street wall" means the vertical plane parallel to the street in which the front building facades of the majority of the buildings along a street are located.
9. "Pedestrian realm" means the volume of space enclosed by the horizontal plane of the street and sidewalks, and the vertical planes of the facing streetwalls. The height of this volume is determined by the height of the base of the adjacent buildings as defined by a major cornice line or by the point at which a building's massing is first stepped-back from the streetwall. Where cornice lines or setbacks do not exist, the height will be generally two to five stories, as appropriate.

Attachment E: Minutes of Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case No. 18270 – Development Agreement for 5885 Spring Garden Road

Wednesday, September 11, 2013
7:00 p.m.
Dalhousie University Dentistry Building

STAFF IN

ATTENDANCE: Jillian MacLellan, Planner, Planning Applications
Alden Thurston, Planning Technician, Planning Applications
Nancy Bellefontaine, Planning Controller, Planning Applications

ALSO IN

ATTENDANCE: Councillor Wayne Mason, District 7
Jeffry Haggett, Genivar Consulting, Applicant
Jeff Barss, Killam Properties, Property Owners
Dan Sampson, Killam Properties, Property Owners
James Bugden, Killam Properties, Property Owners
Mike MacLean, Killam Properties, Property Owners
Robert Richardson, Killam Properties, Property Owners

PUBLIC IN

ATTENDANCE: Approximately 110

1. Call to order, purpose of meeting – Jillian MacLellan

The public information meeting (PIM) was called to order at approximately 7:20 p.m. at the Dalhousie University Dentistry Building. Ms. MacLellan introduced her colleagues, Nancy Bellefontaine and Alden Thurston; Councillor Wayne Mason, District 7; and the applicant, Jeffry Haggett, Genivar Consulting and represented the property owners, Killam Properties.

The purpose of the meeting was to identify that HRM has received an application, explain the proposal and planning process involved, and receive feedback, comments and questions from members of the public.

Ms. MacLellan explained that no decisions will be made at this meeting and advised that at any time throughout the application process she can be contacted with any question, comments or concerns the public may have. It was also noted that before Council can make a decision regarding this application, a public hearing is required.

2. Overview of planning process – Jillian MacLellan

Ms. MacLellan provided an overview of the planning process. Upon receiving a planning application it is reviewed by staff to ensure it is complete. The PIM is the first step in the application process in order to obtain feedback from the public at the early stages. HRM will then have an internal staff review where the application will be reviewed by various departments including HRM traffic engineers and we will also review the impact to the Public Gardens. Once the public feedback is reviewed, and staff reviews the application, a Development Agreement (DA) will be drafted with consultation from with the applicant and other municipal departments. Once the DA is complete, staff will prepare a staff report that will go to Halifax and West Community Council (HWCC) which will provide a recommendation as to whether or not we feel the application meets the intent policies. Before Council can make a decision regarding the

application a Public Hearing (PH) is required and this opportunity will provide another formal setting for concerned residents to provide feedback on the application. Ms. MacLellan advised that PH requires notification and that if those in attendance received notification regarding this meeting, they will also receive notification regarding the PH. However Ms. MacLellan expressed the importance of signing the sign-up sheet at this meeting to ensure everyone receives future notifications regarding this application. After the PH, and once Council has rendered a decision regarding the agreement, there is a 14 day appeal process through the Nova Scotia Utility and Review Board for either the applicant or members of the public to appeal that decision.

3. Presentation of Proposal – Jillian MacLellan

The PIM is for Case No. 18270 which relates to a proposal, from Genivar, for a 20 storey addition to the rear of the property located at 5885 Spring Garden Road and also includes a single storey commercial addition along Spring Garden Road. The property sits on the corner of Spring Garden Road and Carlton Street, Halifax.

The site is currently developed with an 11 storey building containing 212 units along with a dentistry office located on the ground floor and was constructed in 1962. Ms. MacLellan explained that this area is made up of a variety of different types of uses. There are many commercial uses along Spring Garden Road that range from coffee shops/restaurants, to office uses and drug stores, along with many residential type uses. It was noted that the property is in close proximity to some major public open spaces such as Camp Hill Cemetery and just north of the property is the Public Gardens, Victoria Park which are both east of the property. The subject property is also close to various heritage properties. Many views of the existing/proposed property and parking were shown.

Ms. MacLellan reviewed the planning background concerning this property advising that it is located in the Halifax Plan Area and regulated through the Halifax Peninsula Land Use By-law and zoned R-3. The property is designated High Density Residential in the Peninsula Centre Secondary Plan and within that secondary plan it is located in the Spring Garden Road Sub Area. It is further located within Schedule A and B of the LUB.

Ms. MacLellan explained that the R-3 Zone (Multiple Unit Residential) does allow for multi-unit dwellings. However, because the property is located in Schedule A it does have a residential density limit of 250 persons per acre and since it is also located in Schedule B it is permitted to have commercial uses on the ground floor which are to be associated mainly with the residential zone.

Ms. MacLellan explained that in most cases within HRM height is regulated through the zone. In this area there is a height precinct of 45' which is measured from the grade to the top of the floor. This was shown as a guide of what could be done as of right. Ms. MacLellan explained that there is policy within the Spring Garden Road Sub Area that allows the consideration of buildings that exceed the 45' height limitation through a DA. One key when looking at a DA for such an application is how the proposed development will impact the Public Gardens and to assess shadow impact. Ms. MacLellan further explained, that when reviewing such applications the MPS allows for further consideration of varying other requirements of the LUB.

Ms. MacLellan reviewed slides showing the property indicating the locations of the new development. The slides displayed the proposed additions to the property and access to the new development and explained that all parking would then be underground. Ms. MacLellan also revealed a proposed rendering of the property with a view from Spring Garden Road and explained that the applicant will be presenting further views of the proposed building within their presentation.

Presentation of Proposal – Jeffry Haggett, Genivar Consulting

Jeffry Haggett, Genivar Consulting, introduced himself and explained that he is representing Killam Properties and the history of his relationship with them. Mr. Haggett explained that Killam Properties is committed to the core of downtown Halifax and are committed to delivering a high quality building in a neighborhood that is already high quality and hoping to build a better community for the long term.

There are 6 key elements that were looked at for sustainability for this project. Killam Properties does not believe that just building more buildings and bringing more people to the downtown core is the only solution. They recognize the need to build places that complement the neighborhood and from the inside

out. This project, Carlton Terraces, proposes a high quality living standard that will not only be experienced by new residents but also by neighbors and the every day passer by. Spring Garden Terrace is a 50 year old building located on the property. Carlton Terrace, the proposed addition, will be located to the rear of the Spring Garden Terrace which is currently used for surface parking. Further the project includes a proposed commercial addition on Spring Garden Road.

Some interesting history to take into account is that originally this building was conceived as an "I" shaped building. It would have had an enclosed courtyard and it would have emulated the same kind of addition and the shape of the front of the building would have been repeated along the back of the building stretching along Camphill Cemetery. One of the key elements being committed to is engaging and listening to the public. In March 2010 Genivar/Killam Properties met with the community, and introduced the project idea. Mr. Haggett displayed some inspirations of the workshop held where the people were asked to build the kind of building they could see on that lot. The principal reason for this type of exercise was not so much for fun, but to actually engage people and encourage them to express the principals that were important to them to be considered during the design process. Many ideas were heard and Mr. Haggett reviewed the following key elements.

It is understood from the event that the people want various design features to be incorporated into the building including those to maintain views and access to light as much as possible; have Carlton Terrace be as close to Carlton Street as possible and consider terracing towards Garden Crest; utilizing green building design; and were interested in how environmentally sensitive the project will be. The developer understands that people in both of the adjacent buildings would like to see an update to Spring Garden Terrace and of course there were questions about construction period and noise.

Mr. Haggett advised his client, Killam Properties, had an application ready November 2011 but was requested by Halifax Regional Municipality (HRM) to postpone submitting that application due to the Corridor Study. The Corridor Study is ongoing; Phase 1 is almost complete and Phase 2 will be starting up after the Regional Plan is adopted which will hopefully be some time this year. Mr. Haggett expressed that his client was thrilled to see, as they met with people through the engagement and listened to them, the majority were comfortable with adding additional density, or extra people, living in this particular corridor.

Through consultation with the public the applicant was able to incorporate many features into the building design. One of the key elements heard was placing the building back in the corner and away from Garden Crest, away from the existing Spring Garden Terrace, and that is what is shown in the design. There will be 2m and 3m setbacks on the podium to help diminish the impact visually to the Camphill Cemetery and also to Carlton Street.

Tower separation is something the public deemed also important. Presently Spring Garden Terrace to Summer Crest is 58.7' distance. The distance between Summer Crest and Garden Crest is 80' approximately as Killam wanted to ensure the public knew they heard their request to match that distance which they are pleased not only to match, but passed it at an 88' distance between Garden Crest and the proposed Carlton Terrace.

The other interesting thing they want to bring a style of building that you don't normally see around Halifax but you would see in other cities, it's called a thin-point tower. Mr. Haggett mentioned that quite often you would see 110' building square on a lot like this, however his client wants to build a tall thin elegant building for two reasons - livability and design. A thin tower creates less shadow and moves quicker over the landscape (has less of an impact) and also helps achieve and maintain views that presently exist. While reviewing a slide, Mr. Haggett reviewed the elevation showing Carlton Street in the middle and then on Spring Garden Road walking down to the Public Gardens, walking along where the addition would be, it would be refaced and update Spring Garden Terrace. The key aspect being considered was what the appropriate height would be. They looked at taller buildings but then started to hear from the public regarding Carlton corridor study and also other area design principles. There is a nice envelope where this building is within the kind that visually complements the character of the exiting community. Mr. Haggett displayed a rendering showing how the proposed building tucks nicely away from Spring Garden Road and explained the reason was because they wanted the pedestrian experience for the thousands of people who walk up and down Spring Garden Road every single day to be maintained. Mr. Haggett also displayed a rendering of the proposed new commercial addition on Spring Garden Road and explained that the intent for this would be to help continue the retail experience like across the street.

Mr. Haggett explained that along Carlton Street there is a pool area that will be part of the renovation and the parking entrance will be maintained where it presently is. There will be a garage door for privacy and protection and it will also give access to the new parking area that will be for Carleton Terrace and it will be joined to the existing Spring Garden Terrace parking. There will be enclosed underground parking with 218 proposed stalls. There will be a 2 storey street wall which will help maintain the pedestrian experience because that is where the public's visual focus and the building will be glazed by 75%. There will be a high percentage of glazing and reflective materials which will help make the building visually lighter and more elegant. Across from the cemetery will be maintained and will be landscaped nicely with the terrace continuing out. Mr. Haggett displayed a rendering of the step down area on Garden Crest explaining that, as understood and heard from the public in March 2010, the steps down will be the same height as the existing fence is now so the visual impact will be reduced. Further the court yard area will be all landscaped so residents will no longer be looking on to a parking lot. Along Garden Crest and Summer Crest is where the terrace presently ends and that extension will be where parking is located underneath and it will be all landscaped.

One resident asked how many feet above the 20 storeys is the new building because the rendering is showing 20 storeys tall but it looks about 25 storeys and it seems high. Mr. Haggett advised he would have to figure that out but the total height of the building is 210'.

While reviewing floor plans of the proposed building, Mr. Haggett explained that there will be 6 units per floor except for the penthouse levels where there will only be 4 and that each of the floors (except the penthouse) will accommodate two 1-bedroom units and four 2-bedroom units. The total square footage will be 6,800 sqft and most typical floors are about 10,000 sqft in the Halifax region.

Mr. Haggett and his client, Killam Properties, explained they understand views are important to residents, both in the Spring Garden Terrace and adjacent properties and wanted to point out because of the measurements of the proposed building, the north view continues to see the MacDonald Bridge, so this view will be maintained. With the exception of a few areas there are many windows on Spring Garden Terrace that unfortunately their 3rd bedroom windows along the back units will be impacted by the proposed new building. There will still be some adjacent views but it will be severely impacted, however both the west and east side views from those units will be maintained. Mr. Haggett displayed renderings of the views from the East when Carlton, Spring Garden and Summer Crest were built as they interrupted the view somewhat but they did a very sensible design which had this courtyard area so the majority units on Spring Garden Terrace still enjoyed that view to the East and are expecting that view to be maintained. The western view of Dalhousie University will also be maintained.

With the placement of this building in the northwest corner, shadows have a reduced impact on the majority of the buildings and this was demonstrated on various slides showing views from the north, south, west and east of the building showing what will be affected in the views due to shadowing. Mr. Haggett also advised that additional shadows will be added in the morning on Spring Garden Road with very little shadow hitting public gardens. He continued to explain that as the sun rotates through, sunlight starts to merge on the properties continuing through to 3:00 pm, and continuing around from 4:00 pm during equinox until approximately 6:30 pm shadows will hit Garden Crest which will create a very thin impact on the Public Gardens. Part of policy requires Killam to consider minimizing any impact on the Public Gardens. Mr. Haggett advised that broader buildings actually create a much larger shadow than taller, thinner buildings. During summer solstice when the Public Gardens are very busy shadows will hit around 3:00 pm and continue on with very little shadows hitting the Public Gardens compared to the already existing shadows.

One resident requested Mr. Haggett review the shadows portion of his presentation one more time for clarification and Mr. Haggett obliged.

Community Aspects

Mr. Haggett explained that building and enabling people to meet one another and having a chat and opportunity to develop occasional friendships are very important to urban life and is one of the reasons we live downtown. Upon entering the building, access to Spring Garden Terrace will be established on the first floor so the new amenities will be able to be enjoyed by all tenants of Carlton Terrace and Spring Garden Terrace. There will be a fitness centre, gathering space for the community to enjoy, a nice theatre, a renovated pool area and a proposed boardroom and common room.

Mr. Haggett advised that Killam always, in their new properties, have a high standard of excellence for

their public amenities. Their fitness centres are accommodated with professional grade equipment and men's/women's locker rooms with private showers.

Outdoor amenities can also be used year round as there will be almost $\frac{3}{4}$ of an acre of landscaping which encompasses almost $\frac{1}{2}$ the total properties. The terrace will be expanded along Camp Hill Cemetery with nice walkways and seating areas. The pool will be upgraded during construction and new landscaping that will be enjoyed by residence and also passers by.

Mr. Haggett explained that the public realm will be key as not only do we have an opportunity to contribute to the community of Spring Garden Terrace and adjacent properties but for all the thousands of people that walk by. Killam will look at doing additional street trees and working with the City and negotiating with them on this along both Spring Garden and Carlton Terrace. Mr. Haggett proposed the possibility of a new turn-around to make it easier for people to negotiate into the road and also there will be very modern chain-link gates at the end. Camp Hill Cemetery is a beautiful cemetery and Killam would like to work with the City and potentially propose doing a more historic gate treatment there that will intrigue people to come and visit the historic gravesites.

Mr. Haggett advised that environmentally Killam takes the lead and there are 10 aspects they have in their buildings regularly. They are always looking for leading edge technology to reduce water and energy consumption in the overall environment. The environment is key to help people to walk and have other options besides vehicle choice. This is supported in the Regional Plan and is something Killam would like to see in Halifax. Mr. Haggett continued to advise that based on the Regional Plan this area has an incredible walk score and an opportunity with the new cross country connector, which is to be finished in the next year about 6 blocks away, will give people an alternative to vehicle use. The proposed site is close to education centres, health centres and the business district encompassing some of the best shopping in the city.

Mr. Haggett explained that economically the proposed project with renew Spring Garden Terrace and highlight the aspects he reviewed in his presentation and will be a way to update and refresh the building while also offering the economic opportunity of bringing more people downtown to increase the customer base to support local businesses. In the last 5 years there have been many young entrepreneurs under the age of 30 starting some very interesting businesses in our City and Killam would like to see those continued and supported with this type of project. Economically, as encouraged by the Regional Plan, it will be an efficient use of HRM infrastructure in the capital district; renewal of Spring Garden Terrace exterior will be an estimated \$30 million dollars worth of investment to build a building, job creation and long term increased tax base. Killams intent will be to continue to contribute to the sustainability of the core. Carlton Terrace will offer improved access from friends and amenities, a cleaner environment, promotion of physical activity and many economic benefits.

Mr. Haggett advised that the construction timeline for this project will be approximately 18-24 months before construction will begin. Killam will ensure to work with the residents of Spring Garden Terrace and accommodate any needs as the pending construction time would be approaching. Killam is more than willing to listen and create some accommodation ways of working with any issues that may come up.

Mr. Haggett explained that parking will be maintained and there will be a temporary access for the underground parking. He reassured residents that regarding the excavation noise, Killam will be following and respecting the by-laws and the NS regulations with regards to noise and excavation. Mr. Haggett advised that the building will have a baseline done and there will be a tour of the building in regards to plaster. Prior to any blasting occurring there will be a walk-thru the entire building and if any loose plaster is noticed, that would be fixed before any blasting occurred.

Mr. Haggett advised that after this meeting tonight Killam Properties are more than willing to hear from the residents with any concerns or comments.

4. Questions and Comments

Fred Richardson, Garden Crest, asked what the proposed time or final completion of the project will be? Ms. MacLellan explained that a development agreement generally takes 7 – 9 months however that time frame can vary. Mr. Richardson inquired as to the period of construction. Mr. Haggett, Genivar, advised it will be approximately 18-24 months from this date before construction will begin, and after that they anticipate approximately 2 years. Therefore the opening of the proposed building will be approximately 48

months (4 years) from this meeting date.

Pat Bowes, Emerson Towers, questioned where the 20 floors stop and the roof part continued making the builder taller. She wanted to know if that was correct or an illusion of the drawing?

Mr. Haggett, Genivar, confirmed that the total height of the building is approximately 210'.

Ms. Bowes asked what the height will be from the 20th floor to the top of that 210'. She also inquired as to why not 16 floors and be uniform; why go the extra height/floors? Ms. Bowes is gravely concerned about losing the view out her kitchen window which will be blocked with the proposed building. Mr. Haggett explained that it was an architectural decision and originally it was going to be higher but was brought down to 20 storeys. Ms. Bowes stated her concern about helming everything on Carlton Street, and having additional bodies come out Carlton Street, that it will not handle it no matter how many pretty gates there are. She continued to state that they are going to lose Carlton Street in the excavation with the machines going down Carlton Street and if they cannot get in there to dig at a particular time, where are they going to put them; they will be put them on Carlton Street. She stated that it will be a mess and Spring Garden Road is already a mess so there is a grave concern over this to everyone. Ms. MacLellan advised there has been a Traffic Impact Study (TIS) completed and prepared by the applicant and is currently under review by HRM traffic staff. She also advised that the new 2012 TIS should be on the website with this application and if not, she will make sure it is there, and what is on the website for the application is the most current HRM has on file. Ms. Bowes asked if a new traffic study will be done or will the 2003-2009 one be used? Ms. MacLellan advised that she will ensure the information on the website is the most current information available.

Carolyn Scott, Summer Street, asked if any wind impact studies have been performed on how that building will affect Carlton Street because currently the wind on the Tupper entrance is horrendous with the north wind. She mentioned that most big buildings add wind impact studies and that she will talk to the City to advise what they should do.

Ms. MacLellan advised that the applicant had submitted a preliminary wind impact study and HRM has asked for a more detailed study to assess the wind impact in this area.

Ms. MacLellan advised regarding the TIS question, the current version is from 2012 and she will ensure it gets uploaded on to the HRM website.

Dennis Ryan, Garden Crest, commented that this is going to be very intrusive as the proposed building is right behind him and he is at the top. He noticed during the presentation that at 3:00 pm, most days, he is going to lose the sun and that the building is a weird sort of dimension and it looks a lot smaller than what it is, that it is twice as high, and the architect presented it very well. Mr. Ryan advised it looks like it is a done deal and asked if it was, and does it have to be 20 storeys; can it not be 16 or 10 stories like everything else? He also inquired as to how formal complaints can be relayed, via in letter form or a lawyer? Ms. MacLellan explained that the 20 storeys is not a done deal and this is just an application and the PIM is used to receive feedback on the application. She advised that can be contacted via phone, email, or letter on the proposed development.

Ted MacLean asked if anything has been approved by-right as of now. Mr. MacLean also asked if Killam has the right to building 10 storeys today or so many units today or none at all. Ms. MacLellan advised that currently there is a DA on the property therefore that DA will need to be amended if there were any DA changes to the development. Ms. MacLellan continued to explain that right now, as the Land Use By-law (LUB) stands, construction can go to 45' however it is capped at a density of 250 persons per acre so HRM would have to see what the density of the property is now. Mr. MacLean was looking for clarification that 45' is 3-4 storeys and inquired as to whether the proposed lot is a separate lot or was it all part of one PID originally when it was purchased. Ms. MacLellan explained that she cannot speak to when it was purchased or whether it was a single property or two properties. She advised that it has been a single property for years and that when HRM researched the property on the Secondary Plan, which was performed in the 1980's, it was one property. Mr. MacLean asked what the expected tax revenue would be from the property at 20 storeys. Ms. MacLellan explained that she could not comment on taxes as they are based on assessment from the Province. Mr. MacLean expressed that it would be important for residents to have an idea what additional revenue will be created by such a building. Ms. MacLellan explained there are so many different variables so HRM cannot comment at this time. Mr. MacLean stated that he thought HRM should start looking at that because it is fairly important as a resident that lives in the area there and there are many other concerns I have but the additional tax revenue out ways less parking for me, more people. Mr. MacLean continued to express there are 2 obvious windfalls; there is all that is allowed to be built today is 4 storeys and if the development is

allowed to go to 10 or 20 storeys, then there is a significant financial windfall for the development by the additional 70-80-100 units, and then as a taxpayer it would financially make sense for HRM to come up with a position as to how this is going to help the citizens of the area and not so HRM can collect tax revenue and then have it subsidize outside of the city when it should stay to develop the city core.

Ted Wellington, Spring Garden Terrace, explained that he is a current resident and noted the proposed building is going to be built in his backyard and he is in favor of the project. Mr. Wellington asked about the affordability because if you go higher, it will affect the prices more favorably at 20 storeys and if it is going to inflate than how much more expensive will it cost to live here? Mr. Wellington commented on increasing the density in the city and sees this as a fine building and something that HRM needs.

Ed Spartan, expressed that he lives in a Killam apartment building and had intended to live the rest of his years there, however there is a question that is considerably important to all the residents and that is that building a very nice new apartment building that has many amenities, but you're reducing the space. He continued to express that the space crowded now and a normal reasonable space that already exists is being taken away and feels that it would greatly reduce the convenience for the present residents. Mr. Spartan also expressed concern about the effect on rents because he does not feel the new building is for the lower class, that it is probably an upper class building. He was wondering if after the proposed new building is built, does Killam know how it will affect the rents that are presently in affect in the original building because they are currently increased by 3% every year whether they need to or not. Mr. Haggett advised that Dan Sampson was at the meeting from Killam Properties and that he could answer that question. Dan Sampson, Killam Properties, explained that with the added new amenity spaces there may be a slight increase in rent. Mr. Spartan asked if it would be over the 3%. Mr. Sampson said yes it could be but that is 3 – 4 years from now. He further explained that if a unit is not being renovated in the older building then there should not be any significant increases as it is mainly only in the units that will be renovated. Mr. Spartan expressed that 3% is a significant increase every year and he, as are many other residents, are on a fixed income so any increase in the present building due to the new building is a disadvantage. Mr. Sampson advised that the 3% increase does not begin to cover the increase in water bills, electricity, and taxes so Killam feels 3% is reasonable. Mr. Spartan advised that the electricity doesn't come out of Killam; the residents pay their own electricity. Mr. Sampson said that Killam pays for the common areas, but they don't anticipate huge increases. Mr. Spartan said they are getting the general picture that the rent will go up even more than they are now. Mr. Spartan asked for confirmation regarding the blasting and that Killam is only going to go one depth into the ground for underground parking? Mr. Haggett confirmed the depth will be 20'. Mr. Spartan asked for an estimated time frame as to how long it will take to excavate that area and how many months of blasting will occur? Mr. Haggett advised it will take approximately 8 months for excavation. Mr. Spartan expressed concern about the noise as it will be quite disturbing and with old age not sure if it's healthy or not. He did not think this is a good idea and that Killam should be very careful and improve its present building and find another spot that is more reasonable for the size of the proposed building.

Dave Ring, Garden Crest, expressed that he understands the current height restriction is approximately 45' and is surprised there is an application being requested for a DA that is effectively four times that height. While respecting the fact that there has got to get pay back, but when the height restriction is 45', he is wondering why HRM would even consider that as a starting point. Mr. Ring continues to say that their understanding is that the proposed building is a rental building and one of the concerns that a number of people in his building have is the noise that is going to come as a result of these additional units. He noted that it is probably going to raise the rent and Killam has no idea what the rents are going to be, but is this going to be a building that will allow someone to rent their unit to 3-6 university students all cohabitating in the same 1100 sqft unit in this building? Mr. Ring would like to know if this is something that has been discussed or will HRM look at that? Addressing the question regarding why HRM is considering an application for 20 storeys, Ms. MacLellan explained there are policies that allow HRM to be able to consider development that exceeds the 45' height restriction with no limit on a proposed height one can apply for. She also commented on the question regarding the issue with the amount of people per unit and advised that HRM can look at doing things such as limiting the amount of bedrooms per unit but cannot control how many people live in the unit. Mr. Ring commented that he heard 250 people per acre but is not sure how many are currently there, however 250 on paper in rental units, versus what is real, depending on the rental amount, thinks there is a good argument to be made that it may be more than what some people expect. He continued to advise that a number of the residents in Garden Crest are concerned of the servicing and the restaurant that is being proposed on Spring Garden Road. Mr. Ring explained that the parking the residents currently have for guest parking right now is accessed right off Spring Garden Road and it is a challenge right now as there are concerns

with garbage pickup, etc., and the concern is that if there is a restaurant there and it goes right to the property line then the concern is access to parking for their guests to stay.

Bill Cocasham, Summer Gardens, commented that he does not think it would matter if everybody in the room carried a plaque down to City Hall; the height of the proposed building is probably what they are looking at. He said he has been to these kinds of meetings before and thinks once HRM gets this far along, the residents are not going to change it. He proceeded to express that there is a problem with the number of parking spaces that have been allowed as parking around there is pretty bad. Mr. Cocasham continued to voice the residents' displeasure with the height by mentioning again that the drawings were done in a way to make the building look smaller than it really is and that it is going to be 8 storeys higher than the existing building and that is when the impact can really be seen. He confirmed with Ms. MacLellan that she can be contacted if anyone wants to voice their displeasure with the proposal.

Penelope Russell, Summer Gardens, asked if the glassed-in area, as shown in the drawings of the new building, are penthouses, public space or is it covering the heating and air conditioning units? She also inquired whether the amenities in the new building are going to be available to all the residents of Spring Garden Terrace or just for the residents of Carlton Terrace. Ms. Russell concluded by stating that she is assuming there will be balconies on the south and north sides only. Mr. Haggett advised that the glassed-in areas will be penthouses and levels 19 and 20 will house 4 penthouse units per floor along with wrap-around terraces for the penthouses, so there will be 4 terraces, one on each corner. He continued to advise that the new amenities will be for all residents of both Spring Garden Terrace and Carlton Terrace and there will be no additional charge to utilize these amenities as it will be included in the rents.

Susan McCurdy, Victoria Road, expressed how disappointed she was in the image presented at this meeting as it is quite misleading about the height of the building and that is really poor form and at the next meeting something should be made more realistic. She continued to say that she lives in an 1860 home in Halifax and has invested tens of thousands of dollars to restore it and a while back there was blasting that took place around South Park Street and Fenwick Street, and the walls of all the beautiful old homes were shattered. Ms. McCurdy explained that the blasters were called in to take a look and brought in their machines and wrote a form letter that had nothing to do with them, therefore she wanted to warn residents in the community not to expect anyone to come and repair their walls/house and their properties will vibrate, scaring you frequently. Mr. Haggett commented that with regards to the blasting, there will be a baseline for all surrounding homes and that all the rules and regulations surrounding that will be followed and adhered to. Ms. McCurdy insisted that she was told the same information and nothing was done regarding the cracks that happened at her house because of the blasting.

Pat Bowes, Embassy, expressed her disappointment in the height of the proposed building. Ms. Bowes advised that condo owners pay higher taxes than rental apartments. She continued by stating that residents bought these condos, some as their last home, have spent tens of thousands of dollars on them, or the view, or the quiet, and now they will be losing that while gaining more congested traffic, while still paying higher taxes with no views. She expressed concern about not getting the value of their homes back when trying to sell their condos in the future after this development is finished. Ms. Bowes said she agrees that these building should be created, however 20 storeys is excessive and does not believe it is fitting in with the pattern because their building is currently 16 storeys and if the new building was 16 storeys or less, then it would fit within the pattern. She does not believe the tall, triangle, configuration is needed. Ms. Bowes continued to express the concern in their building with the proposed blasting because millions of dollars have just been spent on the building to replace all the brick and millions more dollars are planned to be spent fixing it up before you even break ground. She strongly stated that she is not going to go back on "oh we'll take care of it" because that could just be blowing in the wind and "you can plant your flowers in it". A lot of money has already been spent and she believes Halifax should have growth, but thinks there has to be some accountability and does not feel HRM is accountable and that they do not care.

Loraine, Spring Garden Terrace, asked where the guest parking will be located because currently there are parking spaces against the fence that is available to rent for guests and they currently rent one of those spaces. She feels that is all going to go so is very interested to know if Killam will be allowing for guest parking somewhere. Ms. MacLellan advised that HRM staff will be looking into that requirement in the DA to ensure there will be parking devoted to guest/tenant parking or commercial parking. Mr. Haggett also advised that there will be some guest parking

Tonya Russell, Embassy Towers, feels there will be many problems with putting a 20 storey building there, such as not providing enough parking for residents and visitors, and placing the entrance on a small dead end street which is already a problem for traffic coming, service vehicles arriving, etc. Ms. Russell agrees that city center should be densely populated, but what HRM needs are buildings for those requiring assisted living and nursing homes, not more high standard expensive homes for young professional people who can drive from the city.

Alan Purdy, Garden Crest, agrees that height is the main issue and felt it should be addressed. He questioned why the representative of HRM seems to be facilitating this process because, he felt, Ms. MacLellan seemed in support of the project rather than finding a balance useful for the best of the community. He felt that he was hearing a dual conversation in support and did not hear Ms. MacLellan, or anyone else from HRM, say anything that might be in support of what the residents want. Mr. Purdy commented that there is a huge difference between owning a home/condominium and renting one and stated that he totally disagreed with the production and erection of the proposed building. He continued to state that he could not understand HRM breaking its own general rule of 45', and that HRM can do special circumstances reminds him of building the Trade Centre downtown when the city and the government bent all their rules and allowed it go ahead without due process. Mr. Purdy stated "for the record" that he did not think Ms. MacLellan was representing a balanced point of view from the point of view of HRM and that she was working with Killam and Genivar. He expressed that he felt Ms. MacLellan should be doing more to help the citizens of Halifax and the people that live in these areas because Killam Properties have the opportunity to build anywhere they want as they obviously have the money, otherwise they would not be doing this. Mr. Purdy felt that Ms. MacLellan should not facilitate the process because he felt she had a bias point of view because of the way she presented by defending all the statements and that she was not doing anything with the people's requests at the meeting but saying "we'll look into that", and that was not what he was hearing, and that was his opinion. Ms. MacLellan clarified why she was facilitating the meeting by stating that the purpose of a PIM is to get feedback from the public so that staff can go back and look further into what the comments are and see whether or not it is appropriate based on the comments received from the public. Mr. Purdy advised that he respected that and understands the process but felt she was advancing on the process more towards the developer than the citizens and wanted to hear her say "what are the negative aspects of this as well?" Ms. MacLellan explained that she personally cannot have any comment on the application because it is still under review and that staff is trying to ensure, via this meeting, that the public concerns are heard and staff will be reviewing other aspects of the application as well. Mr. Purdy explained that he understood Ms. MacLellan will be representing them and others to HRM staff and just wanted "the record to indicate" that he did not feel Ms. MacLellan was acting in their best interest.

Rosemary Marr, Embassy Towers, explained that in 1970 she was involved in planning for the south end and coordinated with the residents and City Planning and was told that if apartment or office buildings were built, that they will not be permitted to go higher than four storeys. She continued to say that taxes keep going up because the values of condos are increasing, yet Killam Properties say their rents are going up because their taxes are going up but we attended a meeting a while back and were told that apartment rentals go down in value and taxes because of the depreciation. She expressed her confusion about why a rental goes down because of depreciation but a condo goes up and that is something that is perplexing a lot of condo owners. Ms. Marr feels the building is a nice looking building but too high and wondered if before digging starts will all the condos be inspected in Embassy Towers for cracks because she has already paid to have cracks filled in her unit from when the bricks were removed from the building and she does not want to have to pay to have this done again. Ms. MacLellan advised she will look further into what the requirements are for the blasting and I will check with HRM engineers to see what is required for a pre-blasting survey.

Roberto Antonio, Embassy Towers, asked if residents do not accept the height, can that be changed. Ms. MacLellan explained that staff is at the early stages of reviewing for the height in the application. Mr. Antonio asked what the possibility would be for only 1 – 10 storeys. Ms. MacLellan advised she could not comment. Mr. Antonio asked why 20 storeys was selected and not 40, and do the residents have to accept that? Mr. Haggett advised that the original conception 2.5 years ago was to build a 32 storey tower and then it was revised to 26 because there were design principals we were considering and the architect's vision. He continued to explain that as the developer started to understand what communities comfort are at, the application was revised to 20 storeys and the architect again made that narrow point tower. Mr. Haggett explained that the goal with the narrow point tower was to reduce the visual impact of a taller building at the street, both on views as well as shadow and as well as pedestrian experience. These are part of the consideration, not just the height but so is the visual impact to both adjacent

properties as well as to the passer byer on Spring Garden Road and the design aspects as shown on the slides, is the design consideration for the proposed 20 storey tower. Mr. Antonio asked for clarification on what is meant by visual impact because he lives on the 12th floor and I will still see 8 more floors on top therefore the visual impact will be dramatic. Mr. Haggett stated he would be available to speak with any resident after the meeting. He also stated that Killam was trying to reduce the impact by making a taller, thinner building. Mr. Roberto asked about the rebuilding of the balconies on Embassy Towers and wanted to know if they were going to be maintained as it is now with rusty balconies, etc. or will it be improved? Mr. Haggett explained that the building is presently maintained, and continues to be maintained on a regular basis since Killam purchased the building and that the intent, through this new building being developed, will enable a complete updating of the exterior of Embassy Towers and deteriorating faces and those rusty balconies will be updated and maintained.

Peter Rouvalis, Quinpool Road, said that everyone has been commenting on the fact that the sketch shown does not show a true impression of what kind of impact it will have on the area which he feels 8 storeys is significant but if another view was provided, and if we do another PIM, another view to see would be of the corner of Carlton and Spring Garden Road where there are two heritage properties and the view to Embassy Towers where it was a 16 storey addition. He believes that things need to be built because the city needs density and hopes that when he ages there will be something where I can move into and have a view. Mr. Rouvalis commented that if people can move past what have always been held on to and he understood everybody at the meeting and their concerns because everybody is getting older, but the reality is if the city is to move forward, we need to have change. He felt the biggest concern was about the money and his biggest concern, living on the peninsula, is \$130 million dollars leaving the peninsula to service the suburbs.

David Reign, Garden Crest, asked if there will be copies of the presentation available on-line. Ms. MacLellan confirmed that a copy of her presentation will be on the website tomorrow, but she will have to inquire with the applicant to possibly but theirs on as well. Mr. Reign asked what the estimated time when a Public Hearing (PH) may happen? Ms. MacLellan advised probably not until next year (2014).

One resident asked if the minutes will be put on the website. Ms. MacLellan advised that the minutes will be part of the staff report when it goes to Council so that will be online when the staff report is available.

David Reign, Garden Crest, asked if the minutes will have the answers to some of the questions that have been raised at this PIM, or just what was said? Mr. MacLellan confirmed the minutes will just have the discussion that happened during the PIM, however if anyone would like to have answers to some of the questions asked tonight, she could speak with them afterwards to ensure their contact information was obtained so she could provide answers directly to them.

Michael McCurdy, Victoria Road, asked if there was any indication as to proposed rents that will be charged in proposed building, for example a two bedroom unit? Mr. Haggett explained that due to the fate that we are four years out before opening, and there are so many variables, it would be impossible to say at this time. Mr. McCurdy asked if it was opening tomorrow what would be charged for rent. He was shocked that Killam would be going into this without some kind of idea as to what kind of profits were to be made from the construction of the proposed building and that it must have been considered as part of this proposal. Mr. Haggett advised that the new units will be approximately \$1800 and up on average, depending on the floor height. Mr. McCurdy said he feels they should be thinking more in terms of affordable housing that older people are going to be requiring in order to stay within the community they have lived most of their lives and he did not see that as part of this proposal and would like to see HRM consider that perhaps that has to be worked into the equation if HRM is going to allow development to take place on the peninsula, then perhaps the developer has to consider some of the units being allocated for people that cannot afford the housing. Mr. McCurdy referred to the Trillium building and when that building went up it was supposed to offer some affordable housing for young professionals to live on the peninsula and when the finished product occurred you had to be in the ½ million dollar and up bracket, and he felt the city should demand from developers some kind of control on that to allow people to live in this area.

One resident asked if Ms. MacLellan is who emails or letters of concern are to be sent to. Ms. MacLellan confirmed that she is the contact and if she receives emails than she can email back a response.

Carol vonSyberg, Garden Crest, asked if there will be a model of the building. Ms. MacLellan advised that the applicant provided a sketch of the model and will check on having it put on the website.

Thomas Barkton asked who can be contacted with questions or concerns regarding this project. Ms. MacLellan advised that her business cards were on the table out front which can be picked up after the meeting. Mr. Haggett also advised that he is available to residents at any time.

5. Closing Comments

Ms. MacLellan thanked everyone for coming and expressing their comments and concerns.

6. Adjournment

The meeting adjourned at approximately 9:00 pm.

Attachment F: Existing Conditions - Aerial View Along Carlton Street



Attachment G: Existing Conditions - Aerial View Along Spring Garden Road

