HALIFAX
REGIONAL MUNICIPALITY

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

Item No. 11.4.1
Halifax Regional Council
February 11, 2014

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed
Emma Sampson, Vice Chair, Heritage Advisory Committee

DATE: January 30, 2014

SUBJECT: Case 19028: Non-Substantive Amendments to an Existing Development Agreement and Substantial Alteration to Keith Hall, 1475 Hollis Street, Halifax

ORIGIN

A motion approved by the Heritage Advisory Committee held on Thursday, January 29, 2014.

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 recommends Halifax Regional Council:

1. Approve the proposed substantial alteration to 1475 Hollis Street, Halifax as outlined in Attachment A of the January 9, 2014 staff report, to permit exterior changes to Keith Hall, a municipally registered heritage property;
2. Approve the proposed amending development agreement, as contained in Attachment A, of the January 9, 2014 staff report to allow for an internal change of use and exterior alterations to Keith Hall and the proposed Halkirk House buildings located at 1475 Hollis Street, Halifax; and
3. Require that the proposed amending 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 by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

At a meeting on January 29, 2014 of the Heritage Advisory Committee, staff presented the application by Halkirk Properties Limited for non-substantive amendments to an existing development agreement and substantial alteration to Keith Hall at 1475 Hollis Street, Halifax. The amendments would allow for exterior alterations to the rear elevations of Keith Hall and Halkirk House; and to allow a change of use of Keith Hall so that it could be used for either commercial (office) or residential use (1 unit per floor), and to allow Halkirk House to change from one to two residential units per floor.

DISCUSSION

The Committee was of the opinion that the proposed amendments were minor and was pleased to see that the existing windows in the rear elevation of Keith Hall would be retained instead of being replaced with doors and balconies. The Committee also felt that the proposal of a rooftop addition of windows and balcony, in a more contemporary design on Keith Hall, instead of five dormers would not negatively impact on the heritage value of the building. The Committee agrees with staff that the internal change of use for both buildings is reasonable and will not affect the building exterior, and that the proposed exterior alterations will also preserve the integrity of the heritage property and not diminish its heritage value.

FINANCIAL IMPLICATIONS

None associated with this report. The attached staff report addresses financial implications associated with process the application.

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

No Alternatives were provided by the Heritage Advisory Committee.

ATTACHMENTS

1. Staff report dated January 9, 2014

A copy of this report can be obtained online at http://www.halifax.ca/council/agendasc/cagenda.html then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Sheilagh Edmonds, Legislative Assistant

HALIFAX
REGIONAL MUNICIPALITY

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

Heritage Advisory Committee
January 22, 2014

TO: Chair and Members of Heritage Advisory Committee

SUBMITTED BY: Original Signed
Brad Anguish, Director of Community and Recreation Services

DATE: January 9, 2014

SUBJECT: **Case 19028: Non-Substantive Amendments to an Existing Development Agreement and Substantial Alteration to Keith Hall, 1475 Hollis Street, Halifax**

ORIGIN

Application by Halkirk Properties Limited

LEGISLATIVE AUTHORITY

HRM Charter, Part VIII, Planning & Development and *Heritage Property Act,* Section 17

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that Regional Council:

1. Approve the proposed substantial alteration to 1475 Hollis Street, Halifax as outlined in Attachment A of this report, to permit exterior changes to Keith Hall, a municipally registered heritage property;

2. Approve the proposed amending development agreement, as contained in Attachment A, to allow for an internal change of use and exterior alterations to Keith Hall and the proposed Halkirk House buildings located at 1475 Hollis Street, Halifax; and

3. Require that the proposed amending 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 by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

An application has been received from Halkirk Properties Limited for non-substantive amendments to the development agreement for 1475 Hollis Street (Keith Hall building) and 1496 Lower Water Street, Halifax (Map 1 and Attachment A). The purpose of the amendments is to allow for:

1) exterior alterations to the rear elevations of both the existing Keith Hall building and "Halkirk House" – a proposed infill building; and
2) the internal change of use to both the existing Keith Hall and proposed "Halkirk House" buildings.

Pursuant to the existing development agreement, these amendments are non-substantive and only require a resolution of Regional Council. However, Keith Hall is a registered heritage property and the proposed changes to the exterior of the building also require Regional Council to consider an application for a substantial alteration to a municipal registered heritage property.

An application was also received for a non-substantive amendment to the agreement to allow for an extension to the date of commencement of the "Alexander", a 21-storey mixed-use development at the corner of Lower Water and Bishop Streets (Case #18817). That application proceeded to Regional Council separately and did not require a review by the Heritage Advisory Committee. Council approved the time-extension request on January 14, 2014.

Existing Agreement
The existing development agreement, herein referred to as the "Agreement", was approved by Regional Council on September 9, 2008, following Council's adoption of site-specific amendments to the Municipal Planning Strategy and Land Use By-law. The Agreement allows for the following:

- Keith Hall: exterior alterations, façade improvements, a one-storey addition to the top of the building and interior change of use from commercial to residential;
- "Halkirk House": a proposed 5-storey residential infill building next to Keith Hall; and
- The "Alexander": a 21-storey mixed-use development at the corner of Lower Water and Bishop Streets.

Location, Subject Properties and Surrounding Area:
The properties which are subject to the Agreement:

- are located within the southern half of the block bounded by Lower Water, Bishop, Hollis and Salter Streets which contains the "Alexander Keith's Nova Scotia Brewery" (refer to Map 1);
- include a portion of Lot A-2, which contains Keith Hall (a registered heritage property), at 1475 Hollis Street and the Brewery buildings;
- include Lot A-3, which has frontage on Lower Water and Bishop Streets, contains surface parking and a portion of the existing Keith's Brewery complex and is not a municipally registered heritage property; and
- include Lot A-4, on Hollis Street south of Keith Hall, which is currently vacant and is the site for "Halkirk House": the lot is not a municipally registered heritage property.

The surrounding area contains a mix of registered heritage and contemporary buildings as well as buildings of varying sizes. Surrounding buildings include:

- numerous registered heritage buildings such as the Brewery buildings which are owned by Halkirk Properties, the Benjamin Wier House at 1459 Hollis Street, the Lieutenant Governor's residence (across Hollis Street) at 1451 Barrington Street and the Black-Binney House at 1472 Hollis, across from Keith Hall; and
- more recent buildings such as Bishop's Landing, 1360 Lower Water Street, Waterfront Place, the Waterford at 1343 Hollis Street, Maritime Centre, Four Points Sheraton and Salter's Gate.

Zoning and Enabling Policy:
With regard to the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS) and Land Use By-law and the Regional Municipal Planning Strategy (RMPS), the following are relevant to this application:

- The site is within the DH-1 Zone, falls within Precincts #1, 2 and 4 (Southern Waterfront, Barrington Street South and Lower Central Downtown) and is encumbered by Viewplane #6;
- Policy 90D of the DHSMPS enables the consideration of non-substantive amendments to approved development agreements (Attachment B);
- The site contains a municipally registered heritage property and abuts another heritage property. When considering a non-substantive amendment to a development agreement in connection with any municipally registered heritage property, HRM gives consideration to Policy CH-1 in the RMPS (Attachment C). For lands abutting registered heritage structures, in this case the Benjamin Wier House to the south, HRM gives consideration to Policy CH-2 when reviewing such applications; and
- Under the *Heritage Property Act*, Section 17 requires Council to approve a substantial alteration to the exterior of a municipal registered heritage property.

Proposal
The applicant is requesting non-substantive amendments to the Agreement as follows:

1) exterior alterations to the rear elevations of the existing Keith Hall building and the proposed "Halkirk House". In the case of Keith Hall, the existing rear elevation will remain the same, with the existing windows being retained instead of being replaced with doors and balconies. The rooftop addition now proposes a more contemporary design of windows and balcony to replace five previously proposed dormers. Proposed revisions to "Halkirk House" involve minor changes to the top floor balcony, roof and windows; and
2) allowance for a change of use to allow Keith Hall to be used for either commercial (office) or residential uses (1 unit per floor) and for "Halkirk House" to change from one to two residential units per floor.

Attachment D includes the applicant's request and a summary of cost estimates and the work completed to date on Keith Hall. To date, only the work on the interior and exterior of Keith Hall has commenced. The façade renovations and interior work are ongoing.

Proposed Exterior Alterations to Keith Hall (under *Heritage Property Act*)
In addition to the non-substantive amendments listed above, the applicant has also submitted an application for a substantial alteration to Keith Hall, under the *Heritage Property Act*. The applicant is seeking approval to amend an existing development agreement in which the reinstatement of the mansard roof was approved. The mansard roof was designed based on photographic evidence using a traditional appearance. However, recently the owners have chosen to modify the rear façade of the mansard roof to incorporate a balcony that is inset into the roof. Staff believes that the change in design to the mansard should be considered as a substantial alteration to the heritage property. Therefore, Regional Council will be considering approval of the exterior alterations to Keith Hall under both the Agreement and the Heritage Property Act. The two required approvals can be considered by Regional Council at the same time: through separate motions, but the end result is an amendment to the Agreement which is why the two applications are being addressed in one report.

Heritage Value of Keith Hall
The *Heritage Property Act* defines "heritage value" as *"the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations and embodied in character-defining materials, forms, locations, spatial configurations, uses and cultural associations or meanings."* Keith's Hall is valued for its architecture and historical association with its occupants. In September 1863, Alexander Keith laid the cornerstone for his three-storey residence on Hollis Street, just behind his brewery. Known as Keith Hall, the large Italianate building was designed by Scottish architect William Hay. Before coming to Halifax around 1862, Hay was a successful architect in Toronto and designed St. John's Cathedral in Newfoundland. He came to Halifax having formed a short-lived partnership with architect David Stirling. Architecturally, Keith Hall showcases Italianate architecture exemplified in its symmetry, many ornate window surrounds, and an elaborate pillared portico with an urn-topped balustrade.

Character Defining Elements of the Keith Hall
Under the *Heritage Property Act,* the "character-defining elements" of a heritage building are defined as *"the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value."* The following is a list of character-defining elements relating to the architectural significance of Keith Hall:

- three-storey building height;
- flat roof with a projecting bracketed cornice, dentils and projecting corner mouldings;
- smooth sandstone exterior laid out in a symmetrical five-bay arrangement with quoins on the front facade;
- elaborate portico with urn-topped balustrade linked with moulded stringcourse above ground floor windows;
- classical entablature caps over second-storey windows with carved sandstone floral pediments;
- stringcourses connecting window sills on second and third storeys; and
- original stained glass windows on the rear façade.

Heritage Building Conservation Standards
The Heritage Building Conservation Standards (Attachment E) are used when evaluating proposed alterations to registered heritage buildings throughout the region. The Conservation Standards ensure careful consideration is given and that different strategies may apply in different contexts to better integrate new development with existing heritage buildings.

DISCUSSION

The proposal has been reviewed in relation to the applicable policies of the Regional MPS, the Downtown Halifax MPS, those policies of the Halifax MPS which existed at the time the Agreement was approved, and the Heritage Building Conservation Standards. In staff's opinion, the proposed amendments are consistent with the applicable municipal policies and the Heritage Building Conservation Standards. Following is staff's analysis of each aspect of the proposal as follows:

1) Exterior Alterations to Keith Hall and "Halkirk House"

Municipal Policies
In terms of the application of the Regional Plan, staff has given consideration to Policy CH-1 (Attachment C). The balcony that will be inset into the mansard style roof will preserve the integrity of the heritage property and it will not diminish its heritage value. Although compatible with the historic building, the new mansard style roof will not be original to the building and the new inset balcony will serve to distinguish the new roof from the historic building. This balcony will be at the rear of the historic building and much of the new mansard style roof will surround the balcony to limit its scale in relationship to the historic building.

Staff has also given consideration to Policy CH-2. When comparing the Agreement with the proposed non-substantive amendment, there is no change in terms of the impact of the new development on the abutting Benjamin Wier House, a municipal heritage property.

Heritage Building Conservation Standards
The proposal has been evaluated against HRM's Heritage Building Conservation Standards (Attachment E) and staff offers the following comments relative to the applicable standards:

- *Historic Development:* The changes outlined in this report will not affect the heritage value of Keith Hall. The reinstatement of the mansard was designed based on historic photographic evidence. The rear of the roof will now have a slightly more modern appearance allowing it to better read as new work. The recession of the balcony into the roof will make the balcony less visible from the street, especially considering the grade change and the proposed abutting new building, the Alexander.
- *Preserve Distinctive Features*: The other notable modification to previously approved rear façade is the removal of balconies. The creation of these balconies would have required the removal of historic windows, including two stained glass windows. It was determined that the balconies are not required, and therefore the windows remain intact. There will be no historic materials removed with this proposed development.

2) Internal Change of Use
The original intent regarding the types of land uses within the buildings was to allow the applicant and staff flexibility in determining the types of occupancies which were to be permitted within Keith Hall, "Halkirk House" and the Alexander. Clauses were included in the Agreement to allow for variations to the internal floor plans (Section 2.9) and to require ground floor commercial uses on Lower Water Street (Section 2.6). However, upon closer examination, it was determined that there was not enough flexibility to allow for a change in use or changes to the number of residential units in either Keith Hall or "Halkirk House". As a result, the applicant has revised the floor plans for both buildings to allow for either commercial or residential uses within Keith Hall and an increase from one to two residential units per floor within "Halkirk House". Given the original intent, the proposed changes in use are considered reasonable and will not affect the building exterior.

Conclusion
The proposed non-substantive amendments to the Agreement are consistent with the intent of the Agreement and applicable municipal policies. The proposed exterior alterations will also preserve the integrity of the heritage property as it will not diminish its heritage value. Therefore, staff recommends that Council approve the proposed non-substantive amendments to the Agreement and a substantial alteration to Keith Hall as outlined in the attached amending agreement to this report (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 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 information sharing, achieved through the HRM website, responses to inquiries and public accessibility to the meetings of Heritage Advisory Committee and Council. A public information meeting and a public hearing are not required for a non-substantive amendment to a development agreement, nor a substantial alteration to a municipal heritage property. The decision on both processes is made by resolution of Council.

The proposed development agreement will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and business and professional associations.

ENVIRONMENTAL IMPLICATIONS

No implications identified.

ALTERNATIVES

1. Council may choose to approve the proposed amending development agreement and substantial alteration as set out in Attachment A of this report. This is the recommended course of action. A decision of Council to approve the proposed amending development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

2. Council may choose to approve the proposed amending development agreement and substantial alteration subject to modifications. This may necessitate further negotiations with the applicant.

3. Council may choose to refuse the proposed amending development agreement, and in doing so, must provide reasons based on a conflict with the MPS policies in effect at the time the agreement was approved. A decision of Council to refuse the proposed amending development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*. The *Heritage Property Act* does not include appeal provisions for decisions of Council regarding substantial alterations, however, the owners would be permitted to proceed with their proposal three years from the date of the application.

ATTACHMENTS

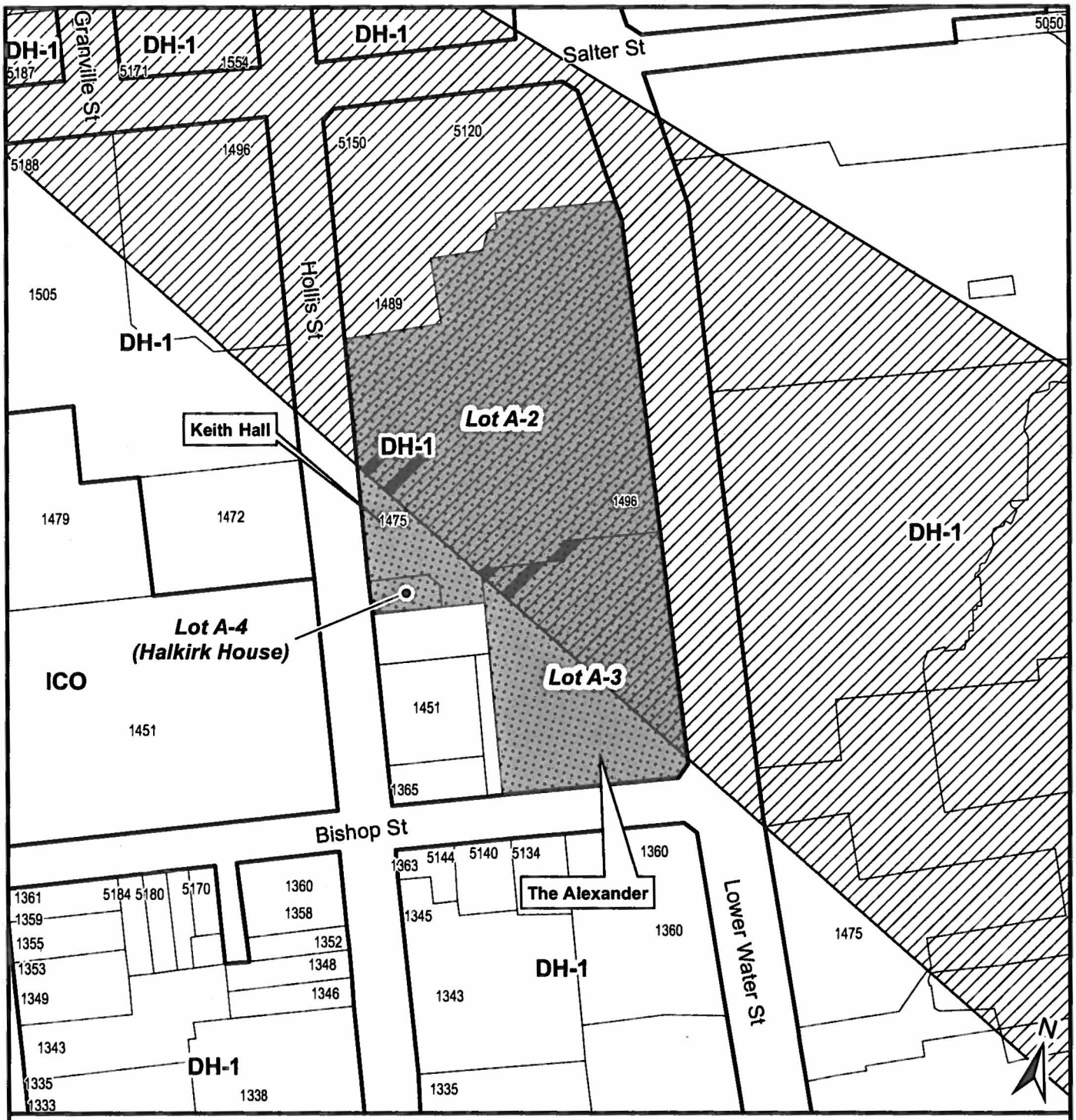
Map 1	Zoning
Attachment A	Proposed Amending Development Agreement with Revised Schedules
Attachment B	Primary Policies of Downtown Halifax MPS and former Halifax MPS
Attachment C	Applicable Policies of Regional MPS
Attachment D	Applicant's Submission
Attachment E	Building Conservation Standards

Existing Development Agreement available upon request.

A copy of this report can be obtained online at http://www.halifax.ca/council/agendasc/cagenda.html then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Paul Sampson, LPP, Planner, 490-6259
Seamus McGreal, Heritage Planner, 490-5113

Report Approved by: Original Signed
Kelly Denty, Manager of Development Approvals, 490-4800



Map 1 - Zoning

Keiths Brewery Site
Lower Water Street
Halifax

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 40 m

Area of development agreement

View plane

Downtown Halifax Plan Area

Zone

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

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.

19 December 2013 | Case 19028 | T:\work\planning\Casemaps\DHFX\19028\ (HEC)

ATTACHMENT A:
Proposed Amending Development Agreement with Revised Schedules

THIS AMENDING AGREEMENT made this day of , 2014,

BETWEEN:

[Insert Name of Corporation/Business LTD.],
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 Lower Water, Bishop and Hollis Streets, Halifax (PID # 00471078, 00003723, 00471060), and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Regional Council of the Municipality approved an application by the Developer to enter into a development agreement to allow for a mixed-use development on the Lands, which said Development Agreement was registered at the Land Registration Office in Halifax as Document Number 92581199 (hereinafter called the "Existing Agreement");

AND WHEREAS the Lands have been registered as a municipal heritage property pursuant to the provisions of the Municipality's Heritage Property By law (By-law H-200) as amended from time to time;

AND WHEREAS the Developer has requested non-substantive amendments to the provisions of the Existing Agreement and substantial alterations to a municipally registered heritage property;

AND WHEREAS the Regional Council for the Municipality approved this request at a meeting held on [**INSERT DATE**] , referenced as Municipal Case Number **19028**;

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

The Existing Agreement is amended as follows:

1. Section 2.1 and corresponding Schedules shall be amended by replacing Schedules S, W, X, Y, Z, A-1 and A-2 with the following Schedules attached to this amending agreement:

Schedule S-1	Rear Elevation - Keith Hall/ Halkirk	Plan # 19028-001
Schedule W-1	Basement Level - Keith Hall/ Halkirk	Plan # 19028-002
Schedule X-1	Ground Floor - Keith Hall/ Halkirk	Plan # 19028-003
Schedule Y-1	Level 2 - Keith Hall/ Halkirk	Plan # 19028-004
Schedule Z-1	Level 3 - Keith Hall/ Halkirk	Plan # 19028-005
Schedule A-1A	Level 4 - Keith Hall/ Halkirk	Plan # 19028-006
Schedule A-2A	Level 5 - Keith Hall/ Halkirk	Plan # 19028-007

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

THE BREWERY MARKET - PHASE II

HALKIRK PROPERTIES LIMITED

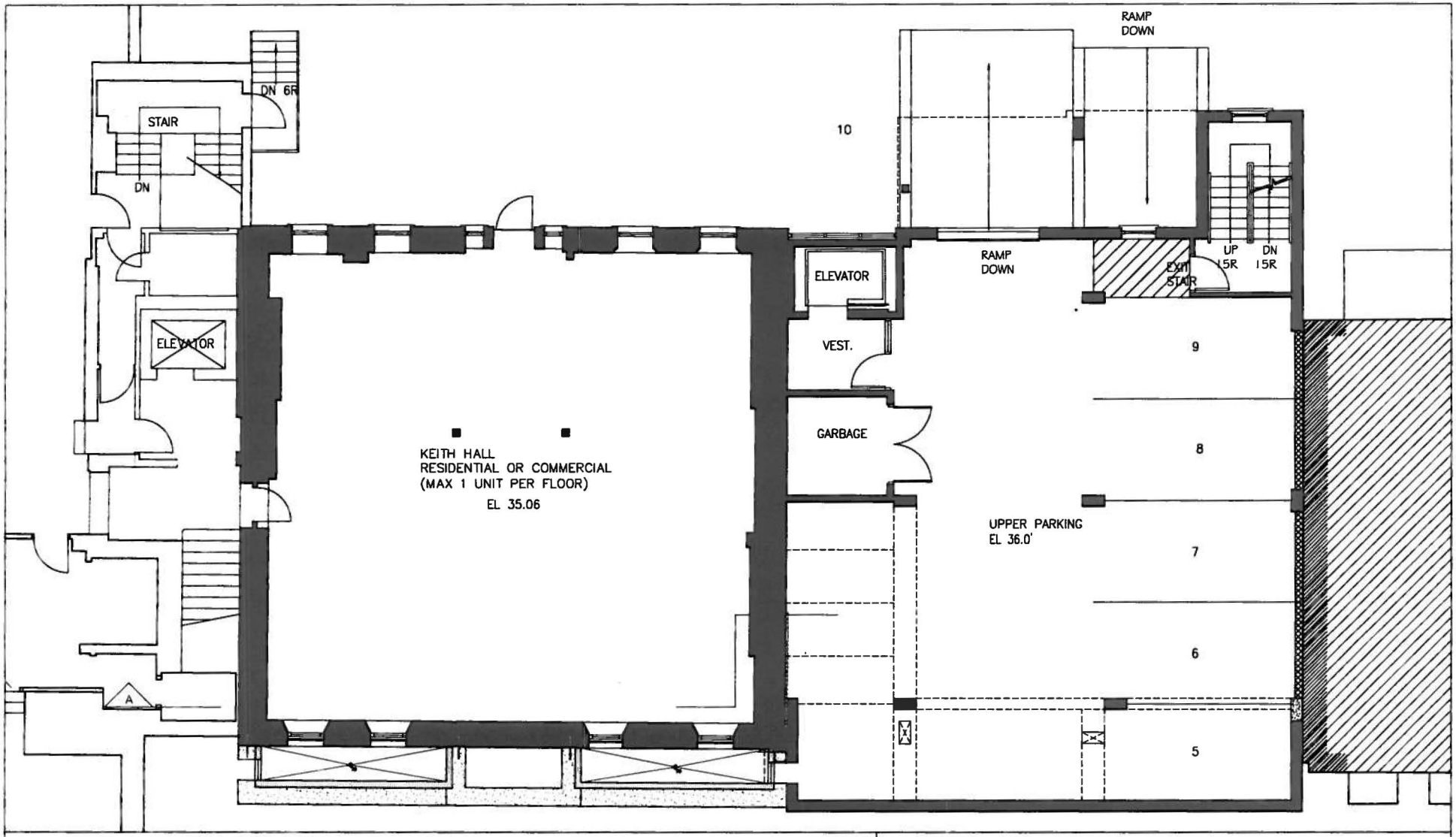
Duffus Romans Kundzins Rounsefell

G F DUFFUS & CO LTD
ARCHITECTS

EAST ELEVATION

ISSUED FOR	SCALE	JOB NO.	DATE
H.R.M. APPLICATION	BAR SCALE	0628	NOVEMBER 26, 2013

Schedule S-1 **Rear Elevation - Keith Hall/Halkirk** **Plan # 19028-001**



THE BREWERY MARKET - PHASE II

HALKIRK PROPERTIES LIMITED

Duffus Romans Kundzins Rounsefell

G F DUFFUS & CO LTD
ARCHITECTS

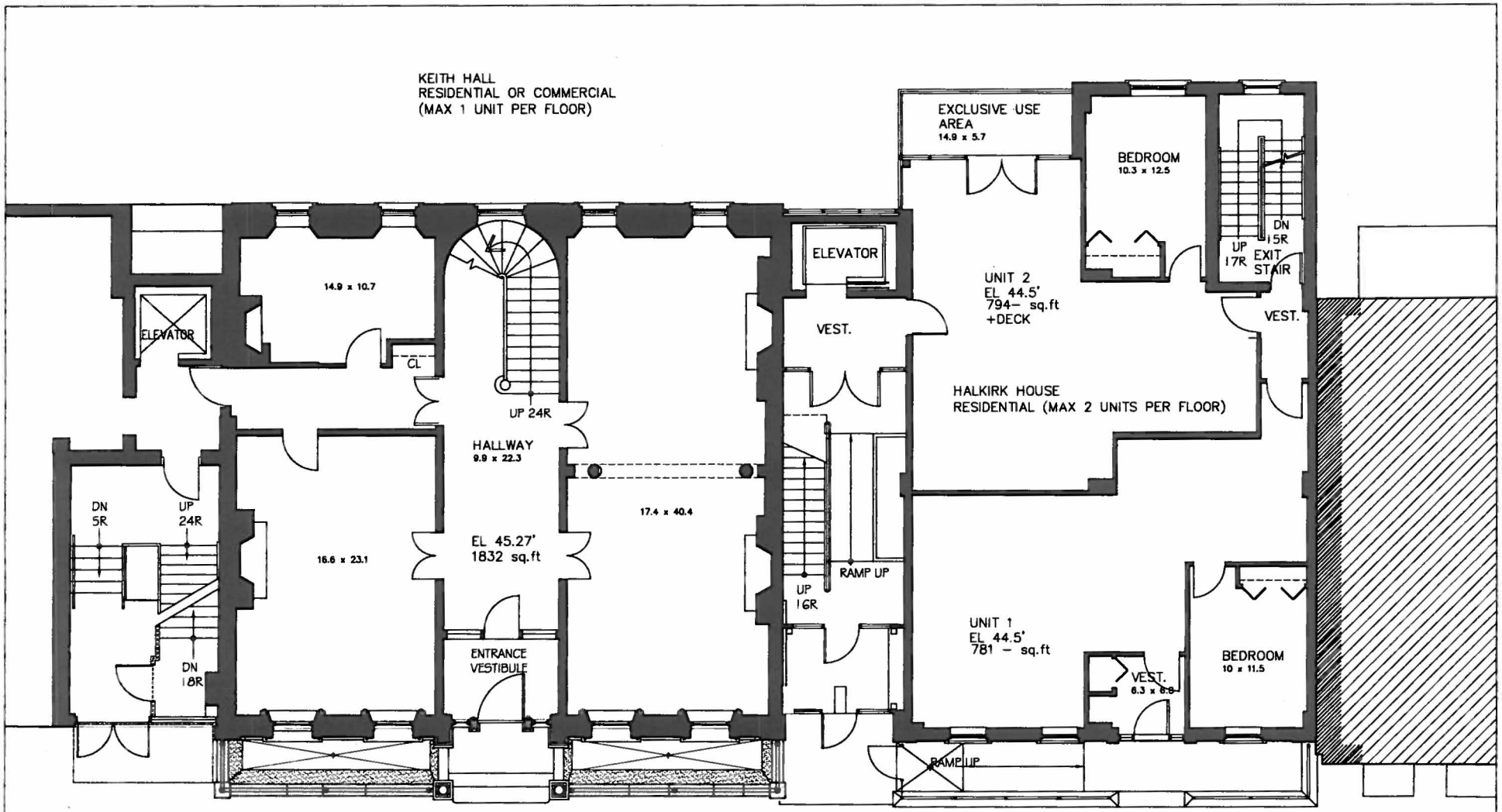
BASEMENT PLAN

ISSUED FOR	SCALE	JOB NO.	DATE
H.R.M. APPLICATION	BAR SCALE	0628	NOVEMBER 26, 2013

Schedule W-1

Basement Level - Keith Hall/Halkirk

Plan # **19028**-002



THE BREWERY MARKET - PHASE II

HALKIRK PROPERTIES LIMITED

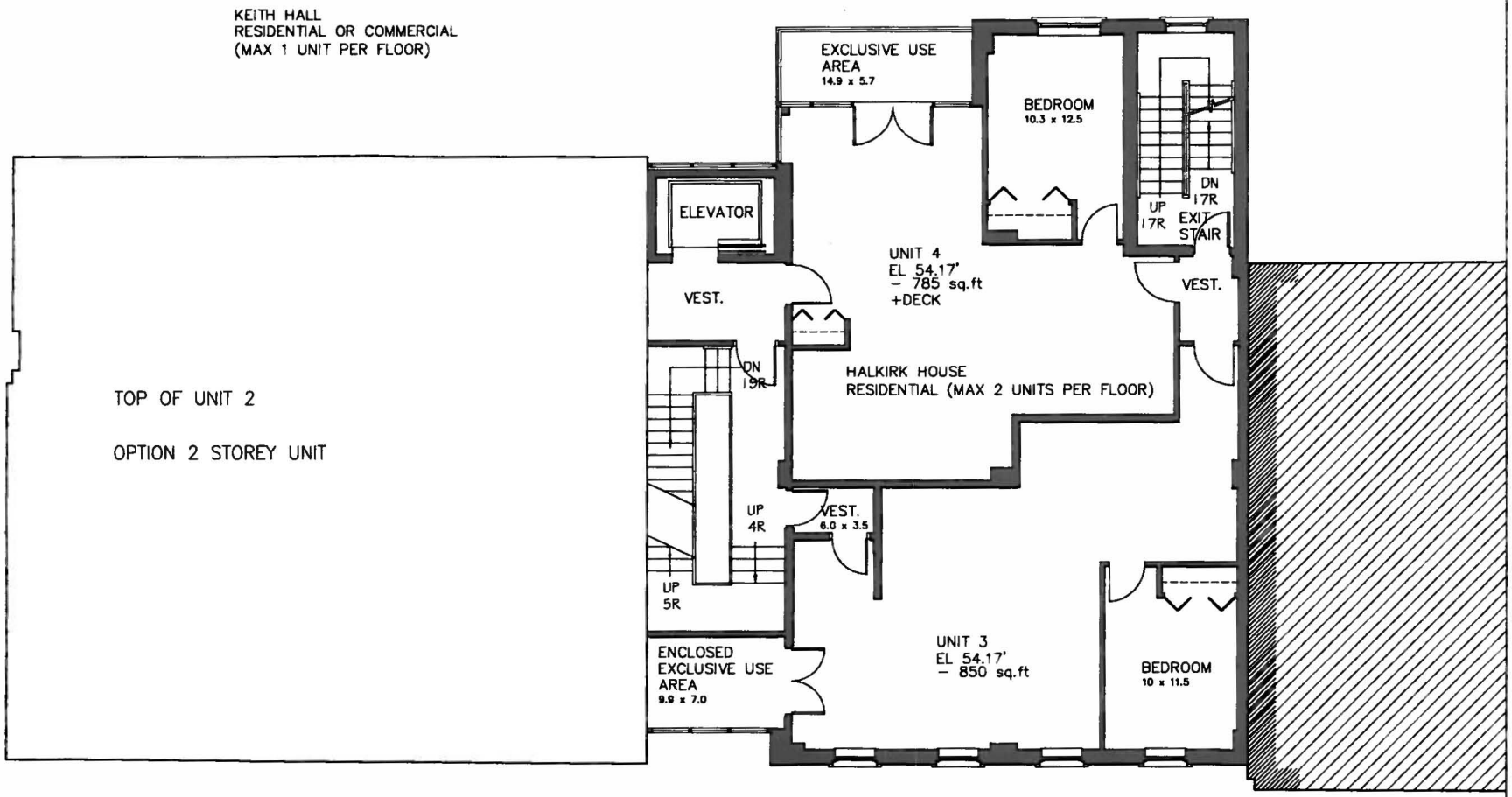
Duffus Romans Kundzins Rounsefell

G F DUFFUS & CO LTD
ARCHITECTS

GROUND FLOOR PLAN

ISSUED FOR	SCALE	JOB NO.	DATE
H.R.M. APPLICATION	BAR SCALE	0628	NOVEMBER 26, 2013

Schedule X-1 **Ground Floor - Keith Hall/Halkirk** **Plan # 19028-003**



THE BREWERY MARKET - PHASE II

HALKIRK PROPERTIES LIMITED

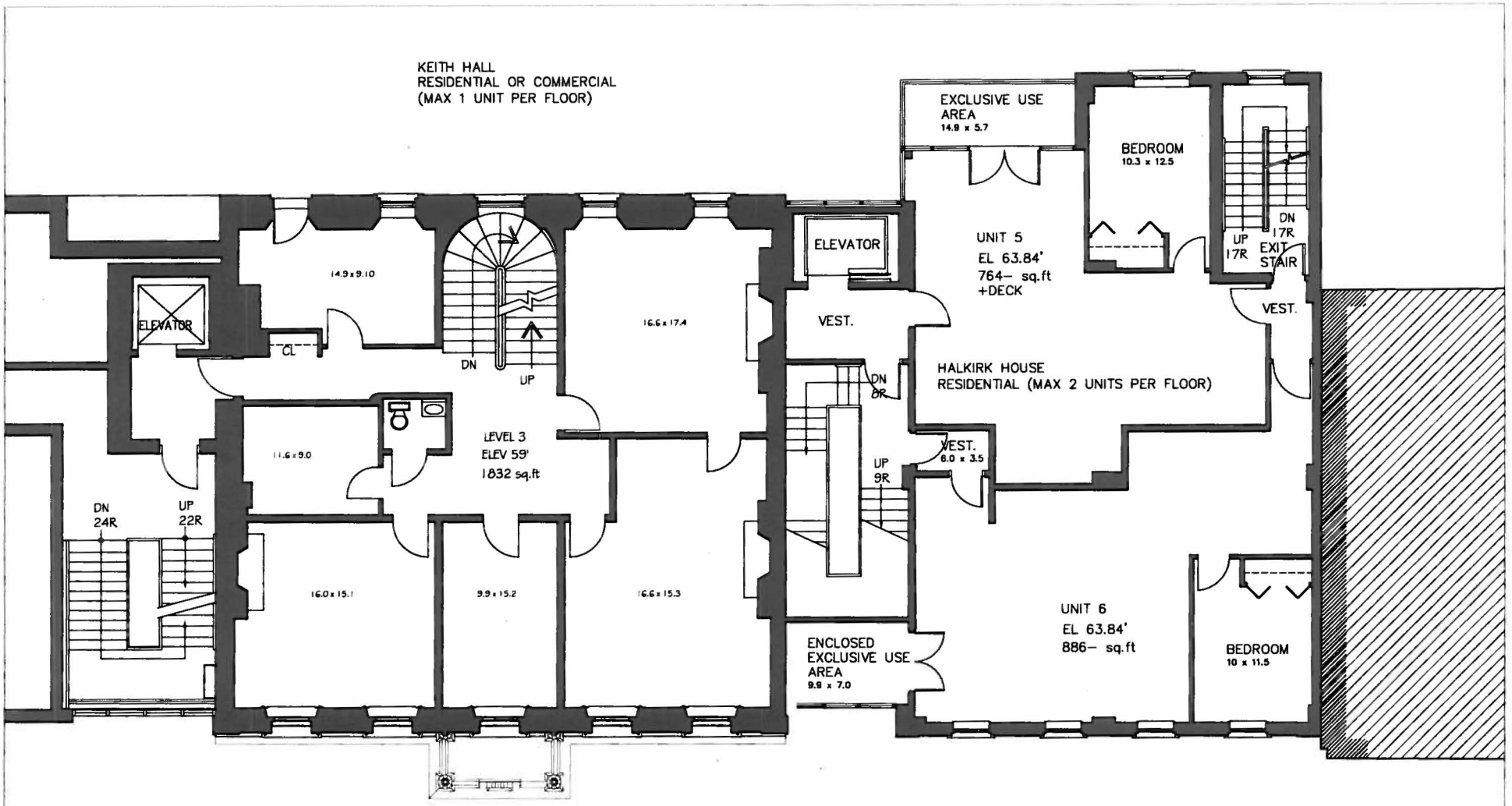
Duffus Romans Kundzins Rounsefell

G F DUFFUS & CO LTD
ARCHITECTS

PLAN - KEITH HALL LEVEL 2

ISSUED FOR H.R.M. APPLICATION	SCALE BAR SCALE	JOB NO. 0628	DATE NOVEMBER 26, 2013

Schedule Y-1 **Level 2 - Keith Hall/Halkirk** **Plan # 19028-004**



THE BREWERY MARKET - PHASE II

HALKIRK PROPERTIES LIMITED

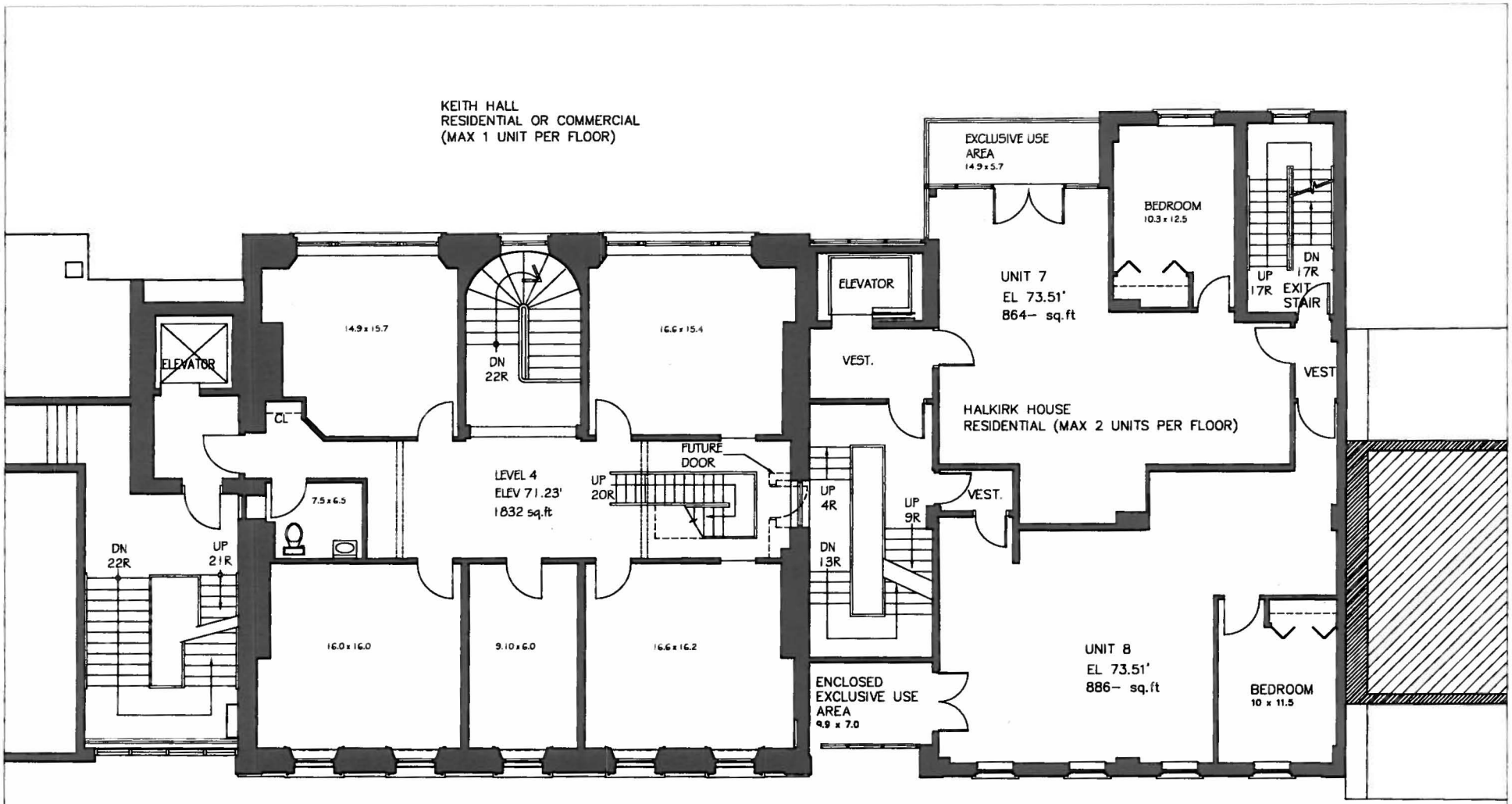
Duffus Romans Kundzins Rounsefell

G F DUFFUS & CO LTD
ARCHITECTS

PLAN - LEVEL 3

ISSUED FOR H.R.M. APPLICATION	SCALE BAR SCALE	JOB NO. 0628	DATE NOVEMBER 26, 2013

Schedule Z-1 **Level 3 - Keith Hall/Halkirk** **Plan # 19028-005**



THE BREWERY MARKET - PHASE II

HALKIRK PROPERTIES LIMITED

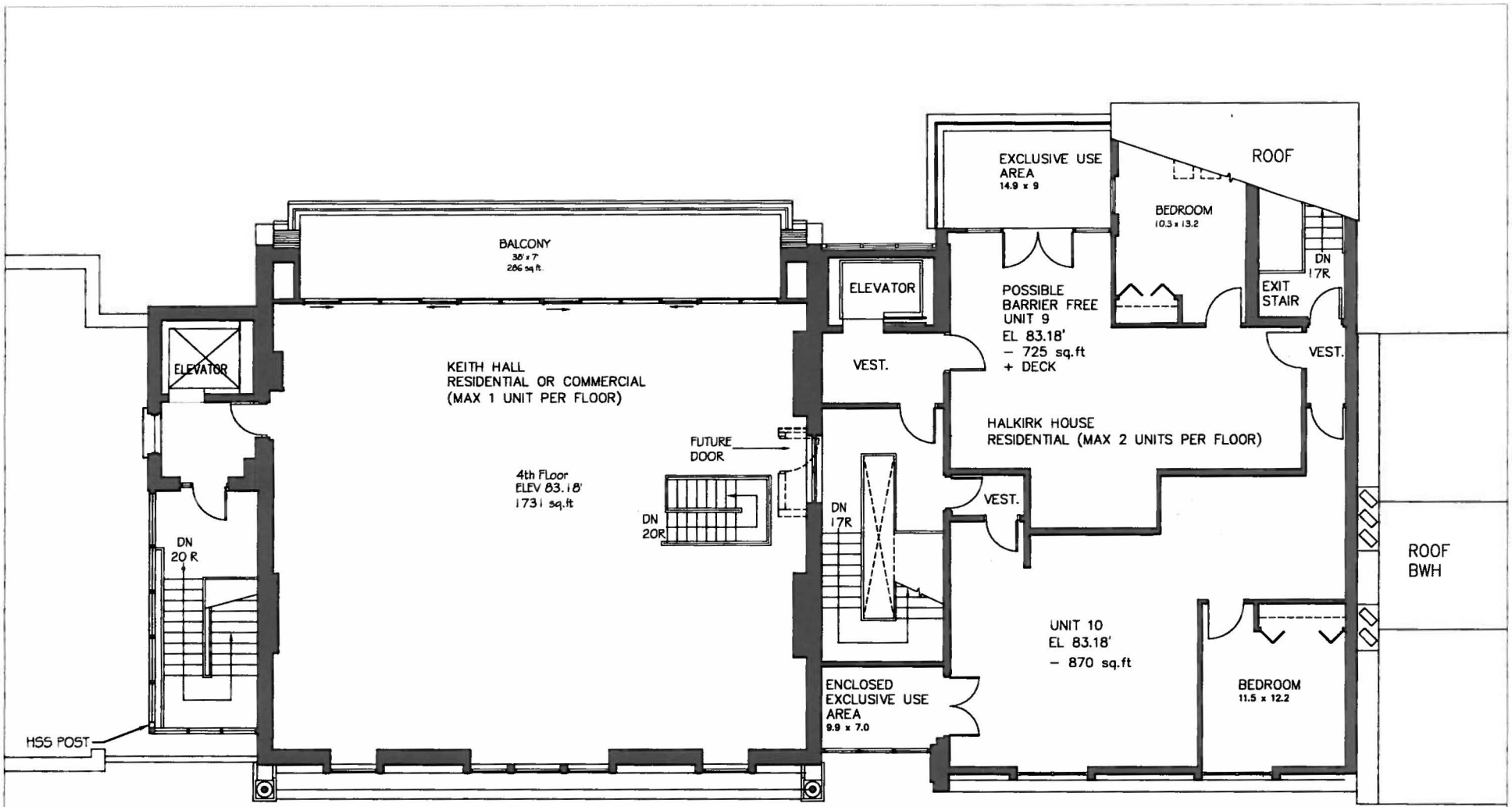
Duffus Romans Kundzins Rounsefell

G F DUFFUS & CO LTD
ARCHITECTS

PLAN - LEVEL 4

ISSUED FOR	SCALE	JOB NO.	DATE
H.R.M. APPLICATION	BAR SCALE	0628	NOVEMBER 26, 2013

Schedule A-1A **Level 4 - Keith Hall/Halkirk** **Plan # 19028-006**



THE BREWERY MARKET - PHASE II

HALKIRK PROPERTIES LIMITED

Duffus Romans Kundzins Rounsefell

G F DUFFUS & CO LTD
ARCHITECTS

PLAN - LEVEL 5

ISSUED FOR	SCALE	JOB NO.	DATE
H.R.M. APPLICATION	BAR SCALE	0628	NOVEMBER 26, 2013

Schedule A-2A **Level 5 - Keith Hall/Halkirk** **Plan # 19028-007**

Attachment B – Primary Policies of Downtown Halifax MPS and former Halifax MPS

Downtown Halifax Municipal Planning Strategy

CHAPTER 8: IMPLEMENTATION

8.6A TRANSITION TO THIS PLAN

During the course of preparation of this Plan, development continued to occur in the Plan area according to the previous MPS policies and land use by-law requirements. At the time of Plan adoption, development agreement applications in various stages of review and approval remained in progress. In consideration of the fact that these projects were designed within the parameters of the previous policies of the Halifax Municipal Planning Strategy, the substantial investment made in the preparation of such applications and that they were submitted in advance of this Plan being given first reading by Council, it is reasonable that provision be made to allow Council to consider them after the effective date of this Plan under the previous policies. Similarly, non-substantive amendments to approved development agreements should also be able to be considered under the previous policies.

It is not, however, appropriate that development that is not in conformance with this Plan be afforded longstanding rights relative to time frames for project approval and completion. Developments that are not constructed and completed within a reasonable time period after Plan adoption should be required to comply with the requirements of the Land Use By-law.

Policy 90D Applications for non-substantive amendments to approved development agreements shall be considered under the policies in effect at the time the agreement was approved.

Former Halifax Municipal Planning Strategy

SECTION IV – HALIFAX WATERFRONT DEVELOPMENT AREA, OBJECTIVES AND POLICIES: 2. LAND USE:

2.4 **For the southern half of the block bounded by Bishop, Hollis, Salter and Lower Water Streets, on lands known as the Alexander Keith's Brewery District (PID #s 00471078, 00471060, 00003749, 00003731, 00003723 and 00480418), Council may permit a predominantly mixed-use development, by development agreement, pursuant to Implementation Policy 3.5.3 and the Regional Municipal Planning Strategy Policy CH-2.**

2.4.1 **Any development permitted pursuant to Policy 2.4 shall incorporate low to medium rise building elements abutting Lower Water and Hollis Streets and a recessed, high-rise component which includes adequate separation from, or modulation of building massing in relation to, abutting heritage properties and streets.**

2.4.2 **Further to Policy 2.4.1, building heights and setbacks shall comply with the following:**

(a) the height of any building abutting Lower Water and Hollis Streets shall not exceed 60 feet above the mean elevation of the street in front of the building;

(b) the maximum height of the recessed tower component shall be 245 feet above the mean elevation of Lower Water Street;

(c) the tower component shall be set back a minimum of 65 feet from the Hollis Street line and 50 feet from the Lower Water Street line.

(d) minimum setbacks of the tower from the Bishop Street line shall comply with the following:

- **(i) Zero feet, provided that the building width does not exceed 45 feet;**
- **(ii) 15 feet, provided that the building width does not exceed 90 feet;**
- **(iii) 25 feet, provided that the building width does not exceed 115 feet;**
- **(iv) 35 feet, provided that the building width does not exceed 140 feet;**

(e) the tower component shall be set back a minimum of 20 feet from the nearest property line of 1459 Hollis Street (PID# 00003756) and 60 feet from the nearest property line of Keith's Brewery (PID# 00003723);

(f) no portion of the building shall protrude through a viewplane or shall be visible above the Citadel Ramparts as specified by Sections 24 and 26B of the Land Use By-law.

2.4.3 **The maximum gross floor area of the base floors of the tower (footprint) shall be 11,000 square feet each.**

2.4.4 **The development agreement for any mixed-use proposal as indicated in Policy 2.4 shall include provisions for the concurrent restoration/ rehabilitation of the exterior facade of Alexander Keith Hall (Civic 1471 Hollis Street, PID# 00003723).**

Attachment C – Applicable Policies of Regional MPS

Attachment C – Regional Municipal Planning Strategy, Policy CH-1		
Section	**Policy**	**Staff Comment**
CH-1	When considering a development agreement application in connection with any municipally registered heritage property, a lot on which a municipally registered heritage building is situated, or a building, part of a building or building site within a heritage conservation district, HRM shall, in addition to the criteria established under the appropriate policies guiding the development agreement under the applicable secondary planning strategy, also give consideration to the following:	The proposal satisfies the criteria as follows:
(a)	that any municipally registered heritage property covered by the agreement is not altered to diminish its heritage value;	The proposed inset balcony will be at the rear of the historic building and much of the new mansard style roof will surround the balcony to limit its scale in relationship to the historic building.
(b)	that the development maintains the integrity of any municipally registered heritage property, streetscape or heritage conservation district of which it is part;	Although compatible with the historic building, the new mansard style roof will not be original to the building and the new inset balcony will serve to distinguish the new roof from the historic building.
(c)	that significant architectural or landscaping features are not removed or significantly altered;	Complies
(d)	that the development observes, promotes and complements the street-level human-scaled building elements established by adjacent structures and streetscapes;	N/A
(e)	that the proposal meets the heritage considerations of the appropriate Secondary Planning Strategy as well as any applicable urban design guidelines;	Complies

Attachment C – Regional Municipal Planning Strategy, Policy CH-1		
Section	**Policy**	**Staff Comment**
(f)	that redevelopment of a municipally registered heritage property, or any additions thereto shall respect and be subordinate to any municipally registered heritage property on the site by:	The proposal satisfies the criteria as follows:
(i)	conserving the heritage value and character-defining elements such that any new work is physically and visually compatible with, subordinate to and distinguishable from the heritage property;	Complies
(ii)	maintaining the essential form and integrity of the heritage property such that they would not be impaired if the new work was to be removed in the future;	N/A
(iii)	placing a new addition on a non-character-defining portion of the structure and limiting its size and scale in relationship to the heritage property; and	Complies
(iv)	where a rooftop addition is proposed, setting it back from the wall plane such that it is as inconspicuous as possible when viewed from the public realm; and	Complies
(g)	any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.	Refer to Policy IM-15 below

Attachment C – Regional Municipal Planning Strategy, Policy CH-2		
Section	**Policy**	**Staff Comment**
CH-2	For lands abutting federally, provincially or municipally registered heritage structures, 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 structures by considering the following:	The proposal satisfies the criteria as follows:
(a)	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:	N/A
(i)	incorporate fine-scaled architectural detailing and human-scaled building elements within the pedestrian realm;	N/A
(ii)	consider, within the pedestrian realm, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage structures; and	N/A
(iii)	any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm by incorporating design solutions, such as setbacks from the street wall and modulation of building massing, to help reduce its apparent scale;	N/A
(b)	the siting of new developments such that their footprints respect the existing development pattern by:	The proposal satisfies the criteria as follows:
(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	N/A

Attachment C – Regional Municipal Planning Strategy, Policy CH-2		
Section	**Policy**	**Staff Comment**
(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;	N/A
(c)	minimizing shadowing on public open spaces;	N/A
(d)	complementing historic fabric and open space qualities of the existing streetscape;	N/A
(e)	minimizing the loss of landscaped open space;	N/A
(f)	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;	N/A
(g)	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;	N/A
(h)	having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and	Complies
(i)	any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.	Refer to Policy IM-15 below

For the purposes of Policy CH-2, 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 C – Regional Municipal Planning Strategy, Policy IM-15		
Section	**Policy**	**Staff Comment**
IM-15	In considering development agreements or amendments to land use by-laws, in addition to all other criteria as set out in various policies of this Plan, HRM shall consider the following:	
(a)	that the proposal is not premature or inappropriate by reason of:	The proposal satisfies the criteria as follows:
(i)	the financial capability of HRM to absorb any costs relating to the development;	N/A
(ii)	the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems;	N/A
(iii)	the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;	N/A

Attachment C – Regional Municipal Planning Strategy, Policy IM-15		
Section	**Policy**	**Staff Comment**
(iv)	the adequacy of road networks leading to or within the development;	N/A
(v)	the potential for damage to or for destruction of designated historic buildings and sites;	Complies
(b)	that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	The proposal satisfies the criteria as follows:
(i)	type of use;	Complies
(ii)	height, bulk and lot coverage of any proposed building;	Complies
(iii)	traffic generation, access to and egress from the site, and parking;	N/A
(iv)	open storage;	N/A
(v)	signs; and	N/A
(c)	that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.	N/A

GREENWOOD LANE INC.
developing real estate relationships

Case 19028
Attachment D:
Applicant's Submission

April 19th, 2013

Halifax Regional Municipality
PO Box 1749
Halifax, Nova Scotia
B3J 3A5

Attention Mr. Paul Sampson:

Re: Request for a Non-Substantive Amendment to the Development Agreement between Halkirk Properties Limited and the Halifax Regional Municipality Dated January 9th, 2009.

Halkirk Properties Limited is requesting that the Halifax Regional Municipality (HRM) allow two non-substantive amendments to the above referenced Agreement. The first request is an extension to the date of commencement for the "Alexander" development and the second is a change of design for the rear façade of Keith Hall on the new to be created east side top floor addition.

Our requests are for the following reasons;

I. Extension of the Commencement Date of the Alexander - sections 4.2 (d), 6.3.1, and 6.3.2.

The Developer, Halkirk Properties Limited had initially decided to construct a condominium project with approximately 12o residential units. The developer has concluded that the plan for condominiums is no longer economically viable due to market conditions for luxury condominiums. The Developer has changed their plan for condominiums and is currently redesigning the project as a 200 unit multi-residential rental project. The Developer requires additional time to complete a further design as well as a new market analysis of the rental market. The Developer is requesting a 3 year extension of the commencement date as per the terms and conditions of the above referenced Development Agreement.

II. Change of Design- Exterior Rear Elevation, Top Floor Keith Hall

The Development Agreement requires the restoration of Keith Hall which is currently being done. This includes the restoration of the top floor of Keith Hall which was removed approximately 60 years ago. The Developer is requesting a design change for the east side of this new addition to take advantage of the views overlooking Halifax Harbour and creating an outdoor space in the form of a patio. This design request does not affect the prominence of the front exterior faced which is the significant grandeur of this property. Plans for this change are included in this application.

Yours truly,

Original signed

William B. Greenwood
Halkirk Properties Limited

GREENWOOD LANE INC.
developing real estate relationships

Paul Sampson, MCIP, LPP
Planner, Development Approvals
Community & Recreation Services
Halifax Regional Municipality
PO Box 1749,
Halifax, Nova Scotia
B3J 3A5

November 7, 2013

Dear Paul:

Re: Summary of Work - Keith Hall Restoration

As per your request I have attached a summary of those costs related to the restoration of Keith Hall. It is important to note that the following expenditures are still undetermined at this point in time. They are as follows;

- installation of exterior LED lighting of the exterior
- restoration of the Portico and main step entrance (a significant expenditure)
- restoration of the stain glass windows on the east side of the rear of the property
- repair of the exterior masonry finish – east side
- installation of natural gas and conversion of boilers
- replacement of the exterior sidewalk along Hollis Street

For your information we have entered into a new Lease with a corporate tenant confirmed to commence occupancy of the Premises towards the middle of December, 2013. We expect to have the main door entrance which has been restored installed by this time.

If you would like to visit the site with any of your staff we would be pleased to show you the work completed to date. At this point in time we are not certain as to the additional costs required to complete the Project since the nature of the restoration has to be carried out on a time plus materials basis. We expect at least another $450K will be needed to complete the project. This is an estimate only at this time.

Keith Hall Cost Summary
as at September 30, 2013

GF Duffus - Architectual Design	$	48,585.94
CBCL - Structural Engineering	$	15,838.80
Coastal Restoration - Exterior Restoration	$	904,429.76
Schooner Construction - Window & Door Restoration	$	116,360.88
FC O'Neil Scriven - Exterior Lighting Design	$	1,260.00
Twin City Electric - Conduit for Exterior Lighting	$	18,596.03
Campbell Commeau - Structural Consulting	$	17,755.00
Tuscumbia Iron Works - Wrought Iron Fencing	$	6,589.40
Marrimac - Exterior Fire Bell Sprinkler Work	$	5,100.00
Miscellaneous Contractors - Permits/Miscellaneous Work	$	12,815.26
Project Management	$	100,422.61
Costs to Date	**$**	**1,247,753.68**

Please let me know if you need any further information.

Yours truly,

Original signed

William B. Greenwood, Principal
Greenwood Lane Inc.
Authorized Project Manager
and Property Manager for Halkirk Properties Limited

Attachment E: Building Conservation Standards

These Conservation Standards are based on Conservation Standards used by the United States Secretary of the Interior (36CFR67)(1991) and are in keeping with most conservation principles, including the Venice Charter (1964).

The historic character of a heritage resource is based on the assumptions that (a) the historic materials and features and their unique craftsmanship are of primary importance and that (b) in consequence, they are to be retained, and restored to the greatest extent possible, not removed and replaced with materials and features which appear to be historic, but which are in fact new.

1. The property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building, its site and environment (see Note 1).

2. The historic character of the property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding hypothetical features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design in colour, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials, shall not be used.

8. Significant archaeological resources affected by the project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment (See Note 2).

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Note 1: This standard is not intended to regulate the use of property. Land use regulation is implemented through the Land Use By-law under authority of the Municipal Government Act.

Note 2: Within the Downtown Halifax Secondary Planning Area and the Barrington Street Historic District, section 4 of the Design Manual of the Downtown Halifax Land Use Bylaw shall be considered in evaluating matters relating to compatibility of massing, size, scale and architectural features.