



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

**Item No. 13.1**  
**Halifax and West Community Council**  
**May 13, 2015**

**TO:** Chair and Members of Halifax and West Community Council

Original Signed

**SUBMITTED BY:**

\_\_\_\_\_  
Bob Bjerke, Chief Planner and Director, Planning and Development

**DATE:** April 24, 2015

**SUBJECT:** **Case 19646: Non-Substantive Amendments the Development Agreement for St. Joseph's Square, Gottingen St., Halifax**

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**ORIGIN**

Application by GTL Investments Limited

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (Charter), Part VIII, Planning and Development*

**RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Approve, by resolution, the Amending Development Agreement as shown in Attachment A of this report to allow for changes to the landscaping, exterior appearance, and the number of dwelling units for a proposed nine storey mixed-use building on the east side of Gottingen Street, between Russell and Kaye Streets, Halifax; and
2. Require that the 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 shall be void and any obligations arising hereunder shall be at an end.

## **BACKGROUND**

On January 9, 2012 the former Peninsula Community Council approved a development agreement for a nine storey residential and commercial building on the former St. Joseph's church site, located on the east side of Gottingen Street, between Russell and Kaye Streets, Halifax (Maps 1 and 2). An application has been submitted by GTL Investments Limited for non-substantive amendments to the development agreement to allow for changes to the landscaping, the exterior appearance, and the number of dwelling units (an increase) for the proposed building.

### **Location and Surrounding Area**

The property has been vacant since the demolition of the former St. Joseph's Church in 2009. The immediate surrounding land uses include:

- St. Joseph's A. Mackay school, which is immediately to the east;
- Shambhala School, which is situated across Russell Street;
- Houses across Kaye Street and a commercial use at the corner of Gottingen and Kaye Streets; and
- St. Mark's Church, houses, a home for special care, and an apartment building across Gottingen Street (Maps 1 and 2).

Significant landmarks in the broader area include the Hydrostone Market, Stadacona (Canadian Forces Base Halifax) and Fort Needham Memorial Park.

### **Designation and Zoning**

The property is:

- within the Peninsula North Secondary Planning Area (Section XI of the MPS);
- designated Park and Institutional in the MPS (Map 1); and
- zoned P (Park and Institutional) by the LUB (Map 2).

### **Existing Development Agreement**

The approval of the existing development agreement followed Regional Council's adoption of site-specific amendments to the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB). The existing development agreement addresses a broad range of terms with the development, including that the building is to:

- contain a maximum of 83 dwelling units;
- contain a minimum of 90 parking spaces within two parking levels;
- have a ground floor comprised of commercial uses extending from the corners of Gottingen and Kaye Streets and townhouse style units along other parts of the Gottingen, Kaye and Russell Street frontages;
- have a two storey base and a seven storey tower that includes a penthouse; and
- have a size, shape, and exterior cladding materials that is consistent with the schedules of the existing development agreement (Attachment B).

Section 6.1 of the existing development agreement allows for several matters to be considered as non-substantive amendments; changes that can be approved by Community Council through approval of a resolution and without holding a public hearing. The existing development agreement outlines that the following types of changes may be considered:

- “(c) Changes to the landscaping requirements detailed in Section 3.8 or which, in the opinion of the of the Development Officer are not generally in conformance with Schedule O [the Preliminary Landscaping Plan];
- ...
- “(d) An increase in the number of dwelling units, provided the building size, maximum height and allowed population have not increased and the exterior appearance of the building is not affected;” and
- ...
- “(f) Minor changes to the exterior architectural appearance of the building, including materials, architectural treatments and fenestration pattern,”

## Proposal

The applicant is preparing to commence construction on the property and proposes changes to the existing development agreement as follows:

- changes to the landscaping, including the design of private outdoor spaces, the inclusion of new trees and other landscape elements and the removal of three existing on-site trees;
- an increase in the number of dwelling units from 83 to 106 (this aspect of the proposal was recently changed from 105 to 106 units); and
- changes to the exterior appearance of the building, including;
  - changes to the types of building materials, the pattern of windows and architectural treatments;
  - a relocation of the main residential entrance from Gottingen Street to Kaye Street;
  - changes to the townhouse designs;
  - changes to the configuration of the commercial space;
  - an increase in the size of the rooftop mechanical penthouse; and
  - a relocation of the areas of the building where salvaged stone and windows from the former church are to be installed.

The applicant proposes that these changes be considered as “non-substantive amendment” items as outlined in Section 6.1 of the existing development agreement. A full description of the proposed changes is contained in Attachment C.

## DISCUSSION

A review of the categories of non-substantive changes is as follows:

### *Landscaping Changes*

The majority of the changes to the landscaping concern trees on the perimeter of the property. The applicant's submission notes that the existing development agreement does not accurately depict the location of or existence of certain trees. In addition, the plans contained within the existing development agreement may not have properly assessed the viability of retaining these trees on the basis of the proximity of the proposed building's foundation. On the basis of this more detailed review, it was found that the proposed changes to the landscaping plans provide a more accurate reflection and assessment of the property. The new proposal involves the planting of numerous trees to make up for the loss of trees on the property and proposes the retention of all existing street trees surrounding the property. In terms of landscaped open spaces, all accessible exterior open spaces are to be well designed and landscaped.

### *Increase in the Number of Dwelling Units*

The applicant proposes an increase in the number of dwelling units from 83 to 106. This is achieved by reducing the size of some dwelling units (resulting in fewer two-level units) and using a portion of the mezzanine spaces above the commercial and townhouse-style spaces for the new units (without

changing the amount of commercial or townhouse frontages). No increases to the size of the building are necessary to allow for this change. Furthermore, the changes will continue to result in the building meeting the maximum population requirements of the existing development agreement.

*(f), Minor Changes to the Exterior Architectural Appearance of the Building*

The applicant is proposing a number of changes to the appearance of the building including modifications to the materials, architectural treatments, and fenestration patterns (Attachments A and B). The new design will be different from that which was originally envisioned and shown within the existing development agreement. However, in assessing this, it has been noted that the essential composition of the building is being retained and the scale and mass of the building is not increasing. The Development Officer has reviewed the proposal and has indicated that some of the proposed changes conform with the existing development agreement. Specifically, it is observed that the:

- relationship of the building to the street is being retained with the two storey podium base and the continuation of the commercial and townhouse-style frontages;
- parking continues to be underground;
- stonework and windows of the former church will still be incorporated into the new building, with the former stained-glass windows displayed as an art piece with commemorative panel along the north (Kaye Street) facade;
- upper portions of the building continue to be in a tower form. The tower portion of the proposed building is slightly smaller in area and the maximum building height is unchanged; and
- the amount of glazing/ windows and curtain wall incorporated into the new design is similar to that in the existing development agreement.

The minor changes that can't be considered under the existing development agreement but which can be considered through non-substantive amendments are the:

- use of ceramic or porcelain tiles instead of pre-cast concrete panels;
- use of wood-like high pressure laminate (HPL) cladding;
- removal of the coated-foam cornice along the top of the building; and
- changes to the type and pattern of windows.

The use of ceramic or porcelain tiles and HPL cladding combined with the removal of the cornice result in a more contemporary appearance which is different from that which was approved pursuant to the existing development agreement. However, other elements of the building, such as the use of stone and glass, especially at the base of the building, remain similar to the original design. While the type and spacing of windows differs in the new design versus the original, the number of punched window openings remains similar. As such, Staff advise that these changes are considered minor in nature and conform with the non-substantive amendment section of the existing development agreement and the intent of the MPS.

### **Planning Policies**

In addition to considering the proposed changes as non-substantive amendment conditions, the proposed amendments must also be consistent with the policies of the municipal planning strategy. The original proposal was the subject of site-specific policies and the proposal continues to meet these policy conditions (Attachment D).

### **Districts 7&8 Planning Advisory Committee**

The proposal was reviewed by the Districts 7&8 Planning Advisory Committee on January 26, 2015 and the Committee will submit a separate report to Community Council on the matter. The Committee passed

a motion to recommend approval of the application with consideration to the following matters (staff comments are included in *italics*):

- Encourage support for other uses of vegetation on the site
  - *This related primarily to the exposed foundation wall along the rear façade. Sections 3.6.5 and 3.6.6 of the existing development agreement require that any exposed foundation walls be either architecturally textured or tempered by the use of vegetation. The proposal complies with this recommendation.*
- Encourage the developer to include a guest room or meeting room in the proposal
  - *The applicant has indicated that it is their intention to assign one unit as a guest suite and the amenity space on the ground floor has been expanded to include a meeting room. However, as this matter is not required by MPS policy, it is not a requirement of the amending development agreement.*
- Request consideration to maintain a public space at Kaye and Gottingen Streets that would invite public use and give consideration to maintaining a tree at that location
  - *The size of the private space in front of the commercial storefronts in the current proposal is greater than that shown in the existing development agreement, although its configuration is different. The space will be landscaped and will include four new trees, space for possible public or café use as well as the proposed memorial wall with the stained-glass windows.*
- Consider an alternative to the proposed curtain walls to increase energy efficiency and aesthetic consistency with the character of the neighbourhood
  - *The amount of curtain or window wall (glass) overall in the current proposal is less than in the existing development agreement. The use of triple-glazed window wall instead of curtain wall helps improve on the energy efficiency of the project. The design's quality and contemporary approach provides aesthetic consistency with its surroundings.*

## **Conclusion**

Staff advise that the proposed amending development agreement is consistent with the non-substantive conditions of the existing development agreement and policies of the MPS. As such, it is recommended that Community Council approve the amending development agreement as contained in Attachment A.

## **FINANCIAL IMPLICATIONS**

There are no financial implications. The property owner will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Amending Agreement. The administration of the Amending 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 and signage posted on the site. A public information meeting and public hearing are not required for a non-substantive amendment to a development agreement. However, the proposal was reviewed by

the Districts 7&8 Planning Advisory Committee, whose recommendations are provided in the Discussion section of this report. The decision on the amendments is made by resolution of Council.

### **ENVIRONMENTAL IMPLICATIONS**

The proposal meets all applicable environmental policies contained in the Halifax MPS. No additional items have been identified.

### **ALTERNATIVES**

1. Halifax and West Community Council may choose to approve the proposed amending development agreement with modifications. This may necessitate further negotiation with the applicant and the preparation of a supplementary staff report. A decision of Community Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed amending development agreement, and in doing so, must provide reasons why the amending agreement is not reasonably consistent with the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

### **ATTACHMENTS**

Map 1 Generalized Future Land Use Map  
Map 2 Zoning Map

Attachment A Proposed Amending Development Agreement  
Attachment B Building Plans of the Existing Development Agreement  
Attachment C Submission from GTL Investments Limited  
Attachment D Review of Applicable Municipal Planning Strategy Policies

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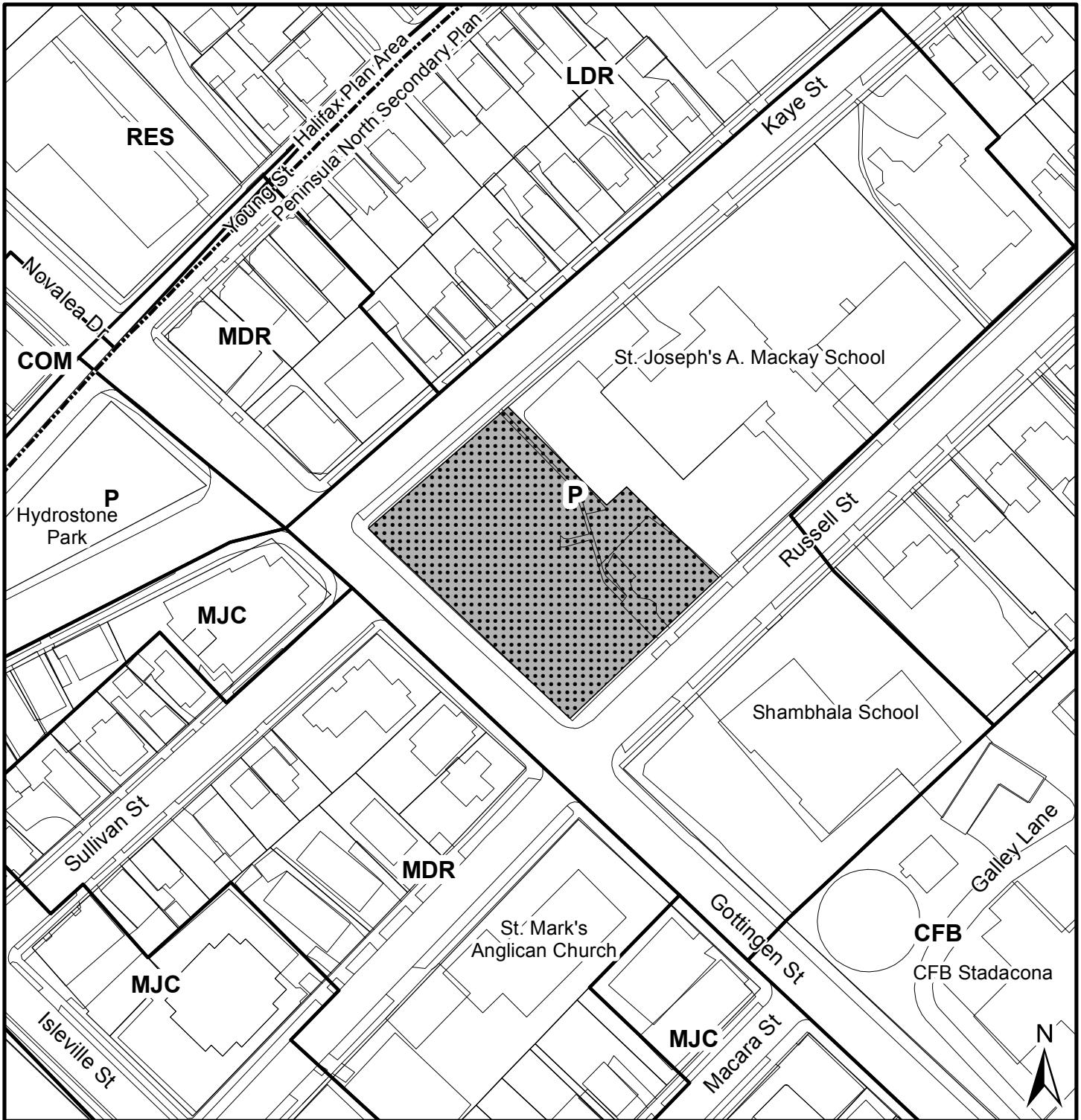
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Richard Harvey, Major Projects Planner, 902.490.6495  
Paul Sampson, Planner, 902.490.6259

Original Signed

Report Approved by:   
Kelly Denty, Manager, Development Approvals, 902.490-4800

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**Map 1 - Generalized Future Land Use**

Gottingen, Russell and Kaye Streets  
Halifax

**HALIFAX**

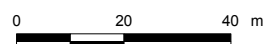
 Subject Property

**Peninsula North Designations**

- LDR Low Density Residential
- MDR Medium Density Residential
- MJC Major Commercial
- P Park and Institutional
- CFB Canadian Forces Base

**Halifax Designations**

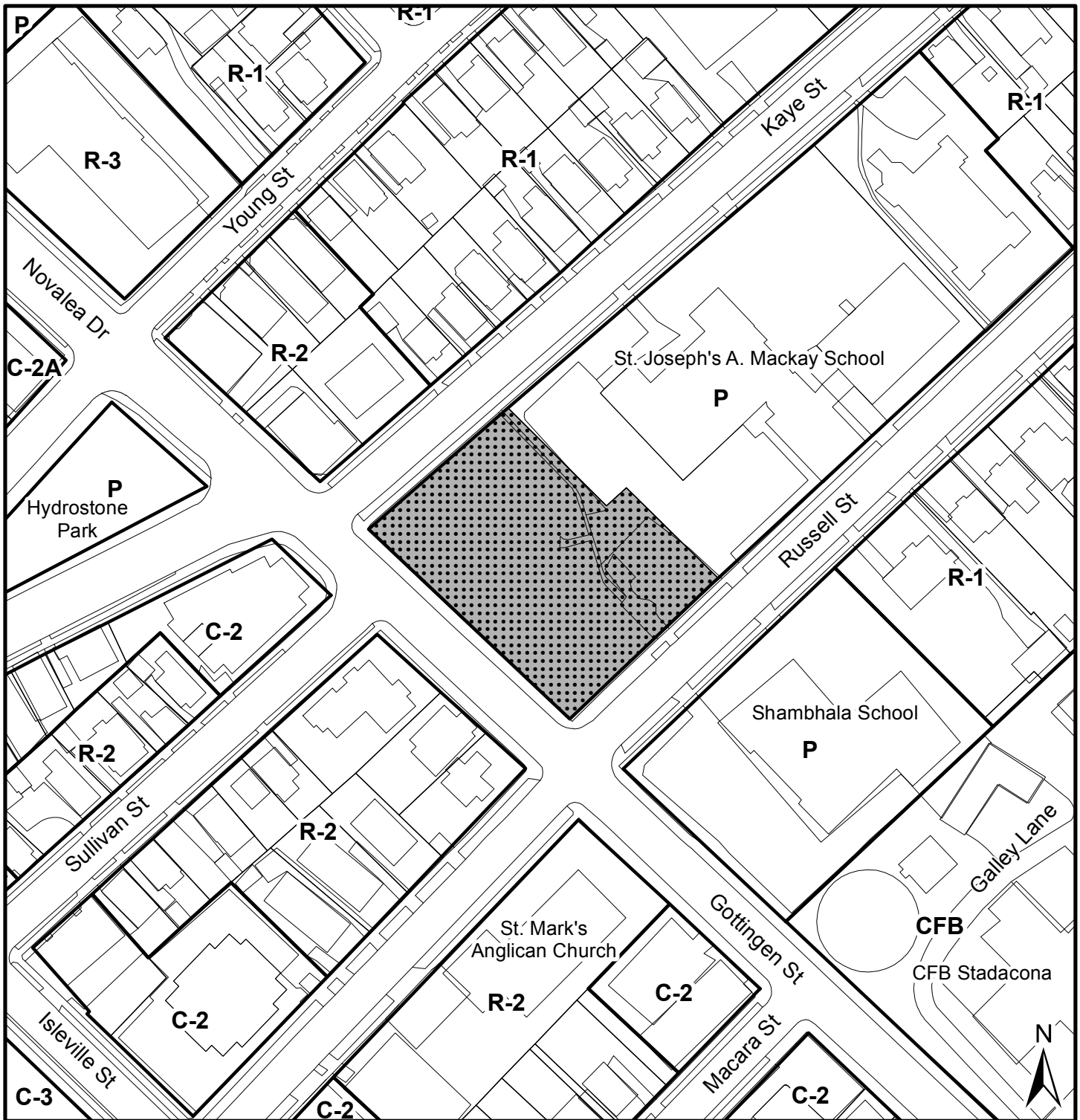
- RES Residential Environments
- COM Commercial



Halifax Plan Area  
Peninsula North Secondary Plan Area

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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



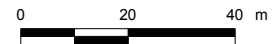
**Map 2 - Zoning**

Gottingen, Russell and Kaye Streets  
Halifax

**HALIFAX**

 Subject Property

- Zones**
- R-1 Single Family Dwelling
  - R-2 General Residential
  - R-3 Multiple Dwelling
  - C-2 General Business
  - C-2A Minor Commercial
  - C-3 Industrial
  - CFB Canadian Forces Base
  - P Park and Institutional



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

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

Halifax Peninsula  
Land Use By-Law Area



## ATTACHMENT A

### **Proposed Amending Development Agreement**

THIS AMENDING AGREEMENT made this        day of                       , 2015,

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 fronting on the east side of Gottingen Street, between Russell and Kaye Streets (**Insert PID #**), Halifax, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Peninsula Community Council of the Municipality, at a meeting held on January 9, 2012, approved an application by ECL General Partner IV Limited to enter into a development agreement to allow for a nine (9) storey mixed-use, commercial-residential building on the Lands (referenced as Municipal Case Number 01325), the said agreement being recorded at the Land Registry Office in Halifax on July 6, 2012 as Document # 101055110 (hereinafter called the "Existing Agreement");

AND WHEREAS the Developer has requested non-substantive amendments to the provisions of the Existing Agreement for changes to the landscaping, external appearance, and number of dwelling units for the mixed-use building on the Lands;

AND WHEREAS the Halifax and West Community Council for the Municipality approved these requests at a meeting held on **[INSERT DATE]** , referenced as Municipal Case Number **19646**;

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

The Existing Agreement is hereby amended as follows:

1. Section 3.1 and corresponding Schedules shall be amended by deleting and replacing Schedules B through O with the following Schedules attached to this Amending Agreement:

Schedule B-1	Site Plan
Schedule C-1	Gottingen Street Elevation
Schedule D-1	Kaye Street Elevation
Schedule E-1	East Elevation
Schedule F-1	Russell Street Elevation
Schedule G-1	Plan – Ground Floor
Schedule H-1	Plan – Third Floor Terraces
Schedule I-1	Plan – Ninth Floor Terraces
Schedule J-1	Plan – Roof

2. In Section 3.1, Schedule P shall be retitled as "Schedule K-1";
3. In Section 3.1, the number "01325" shall be deleted and replaced with "19646";
4. In Subsection 3.2.1, clause (a), the text "Schedule O" shall be deleted and replaced with "the Schedules";
5. In Subsection 3.4.1, the text "eighty-three (83)" shall be deleted and replaced with "one hundred and six (106)";
6. In Subsection 3.4.4, the text "Schedules I and J" shall be deleted and replaced with "Schedule G-1";
7. In Subsection 3.4.5, the text "townhouse-style dwelling unit" shall be deleted and replaced with "dwelling unit which has a separate, direct access to the sidewalk";
8. In Subsection 3.5.1, clause (a), the text "B, G and H" shall be deleted and replaced with "B-1 and G-1";
9. In Subsection 3.5.1, clause (b), the text "C to F and Schedules I to M" shall be deleted and replaced with "C-1 to J-1";
10. In Subsection 3.5.2, the text "Schedule B" shall be deleted and replaced with "Schedule B-1";
11. In Subsection 3.6.6, the text "identified as architectural concrete on Schedule E" shall be deleted and replaced with "illustrated on Schedule E-1";
12. In Subsection 3.7.1, the text "Schedule B" shall be deleted and replaced with "Schedule B-1";
13. In Subsection 3.7.5, the text "ninety (90)" shall be deleted and replaced with "one hundred and six (106)";
14. In Subsection 3.8.1, the text "Preliminary Landscape Plan shown on Schedule O" shall be deleted and replaced with "Schedules";
15. In Subsection 3.9.4, the text "Schedule P" shall be deleted and replaced with "Schedule K-1";
16. In Section 6.1, clause (c), the text "Schedule O" shall be deleted and replaced with "the Schedules".

**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:

\_\_\_\_\_  
Per: \_\_\_\_\_

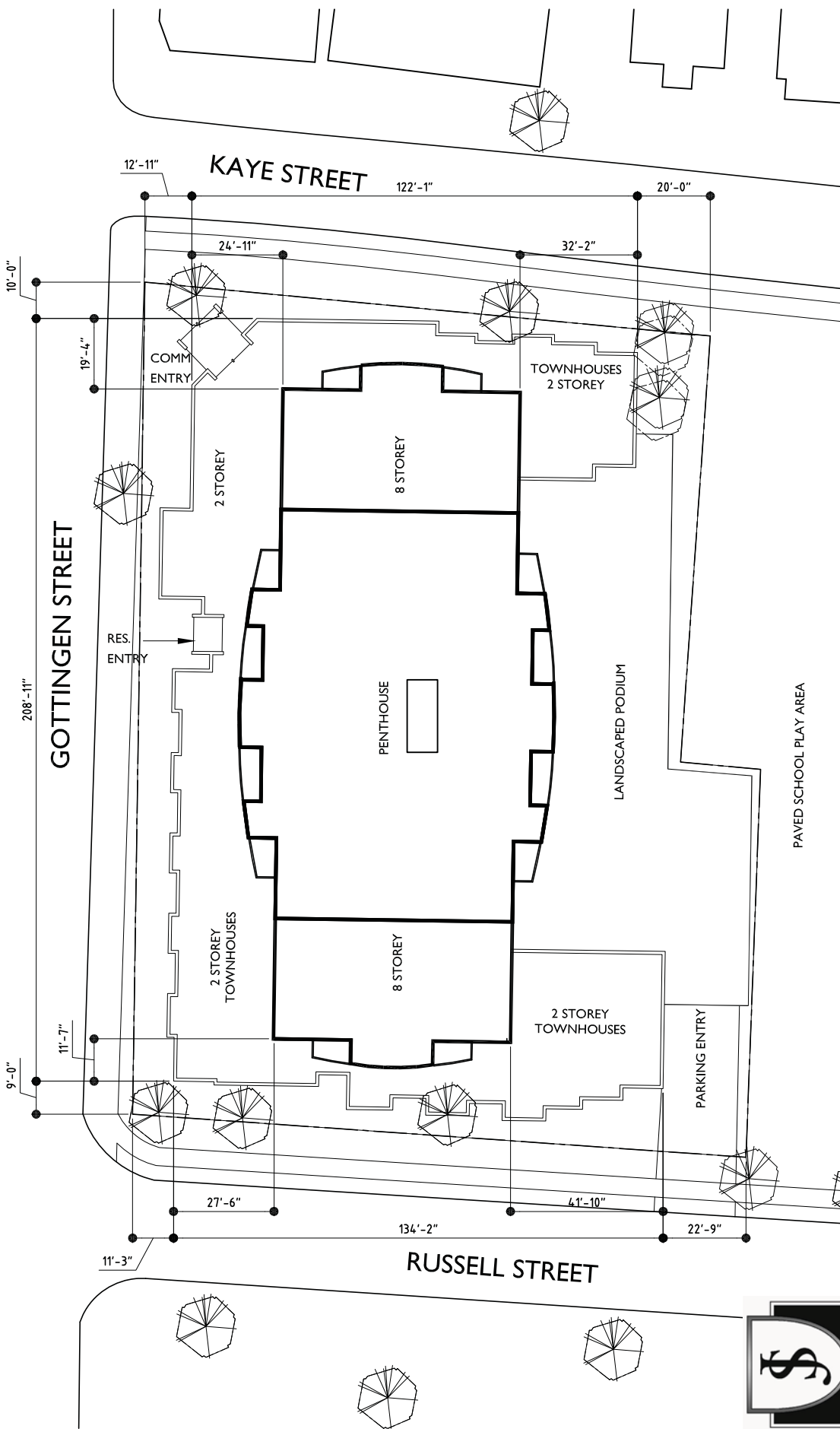
Witness

MAYOR

Witness

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Per: \_\_\_\_\_  
MUNICIPAL CLERK



**ST. JOSEPH'S SQUARE CONDOMINIUMS**

**SCHEDULE B**

**GOTTINGEN STREET, HALIFAX NS**

**SITE PLAN**

SCALE: 1"=40'  
Mar 28, 2011



**KASSNER/GOODSPEED ARCHITECTS**

SUITE 200, 5663 CORNWALLIS ST.  
HALIFAX, N.S., B3K 1B6 (902) 422-1557



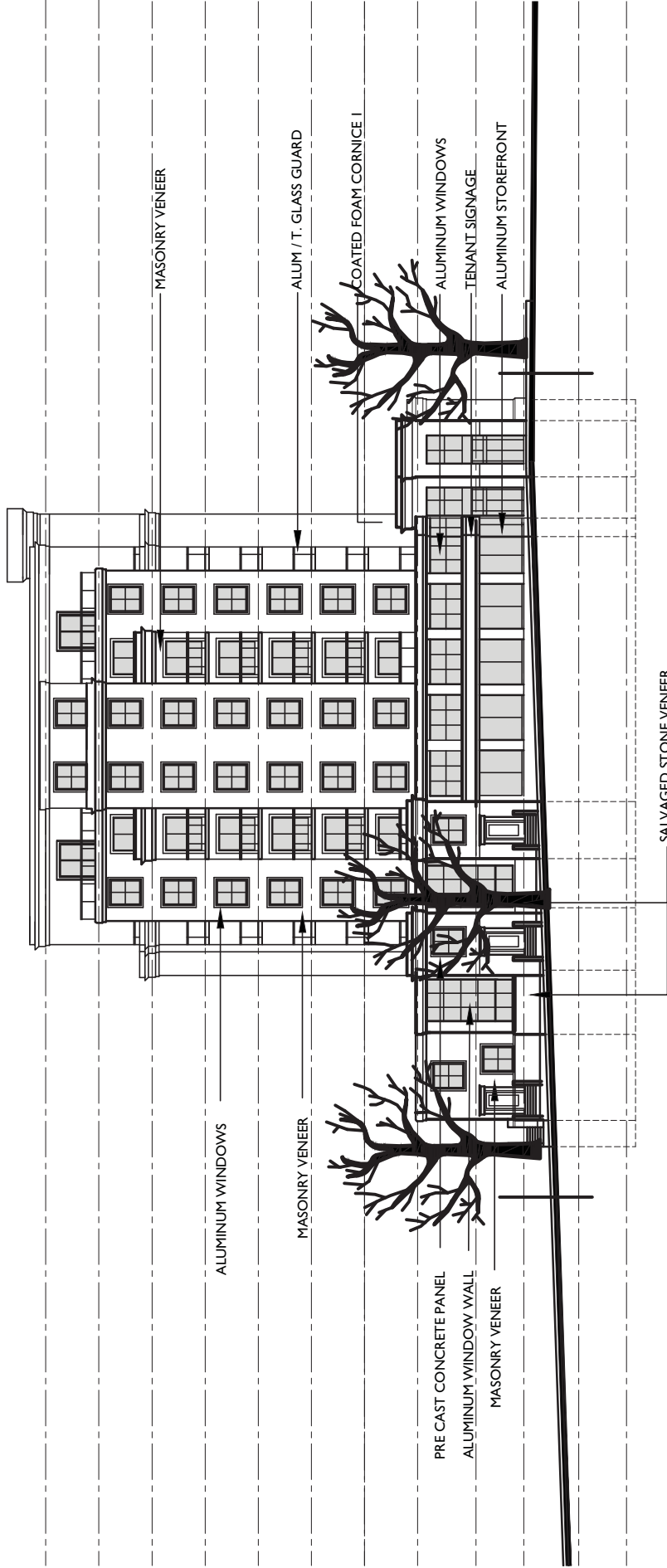
**SAINT JOSEPH'S SQUARE CONDOMINIUMS** **SCHEDULE C**

**GOTTINGEN STREET, HALIFAX NS** **GOTTINGEN STREET ELEVATION**

**KASSNER/GOODSPEED ARCHITECTS**

SUITE 200, 5663 CORNWALLIS ST.  
HALIFAX, N.S., B3K 1B6 (902) 422-1557

SCALE: 1"=30'  
Mar 28, 2011



**SCHEDULE D**

**SAINT JOSEPH'S SQUARE CONDOMINIUMS**

**KAYE STREET ELEVATION**

**GOTTINGEN STREET, HALIFAX NS**

**KASSNER/GOODSPEED ARCHITECTS**

SUITE 200, 5663 CORNWALLIS ST.  
HALIFAX, N.S., B3K 1B6 (902) 422-1557

**SCALE: 1"=30'**  
**Mar 28, 2011**



**SAINT JOSEPH'S SQUARE CONDOMINIUMS**

**GOTTINGEN STREET, HALIFAX NS**

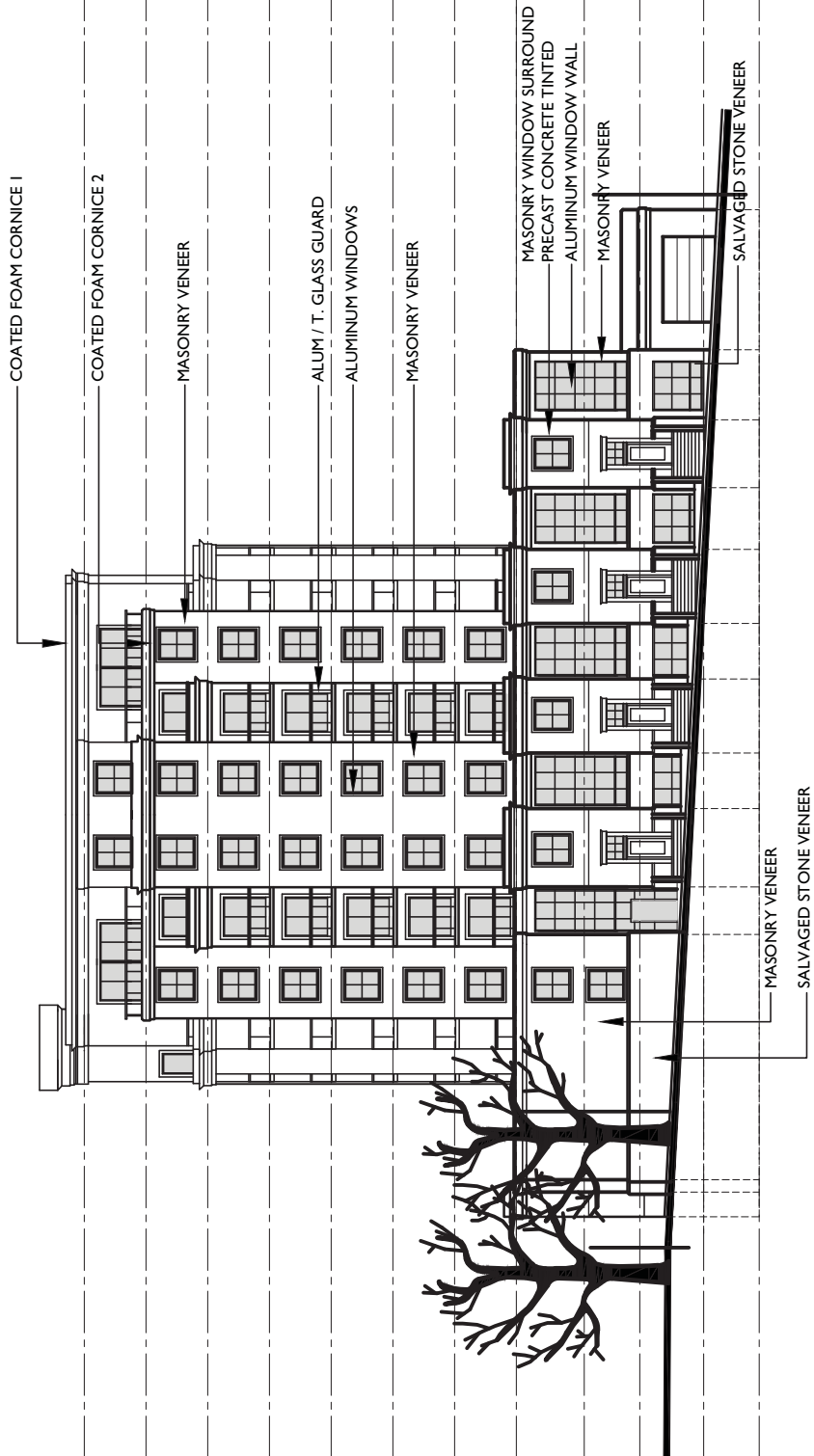
**SCHEDULE E**

**EAST ELEVATION**

SCALE: 1"=30'  
Mar 28, 2011

**KASSNER/GOODSPEED ARCHITECTS**

SUITE 200, 5663 CORNWALLIS ST.  
HALIFAX, N.S., B3K 1B6 (902) 422-1557



**SCHEDULE F**

**SAINT JOSEPH'S SQUARE CONDOMINIUMS**

**RUSSELL STREET ELEVATION**

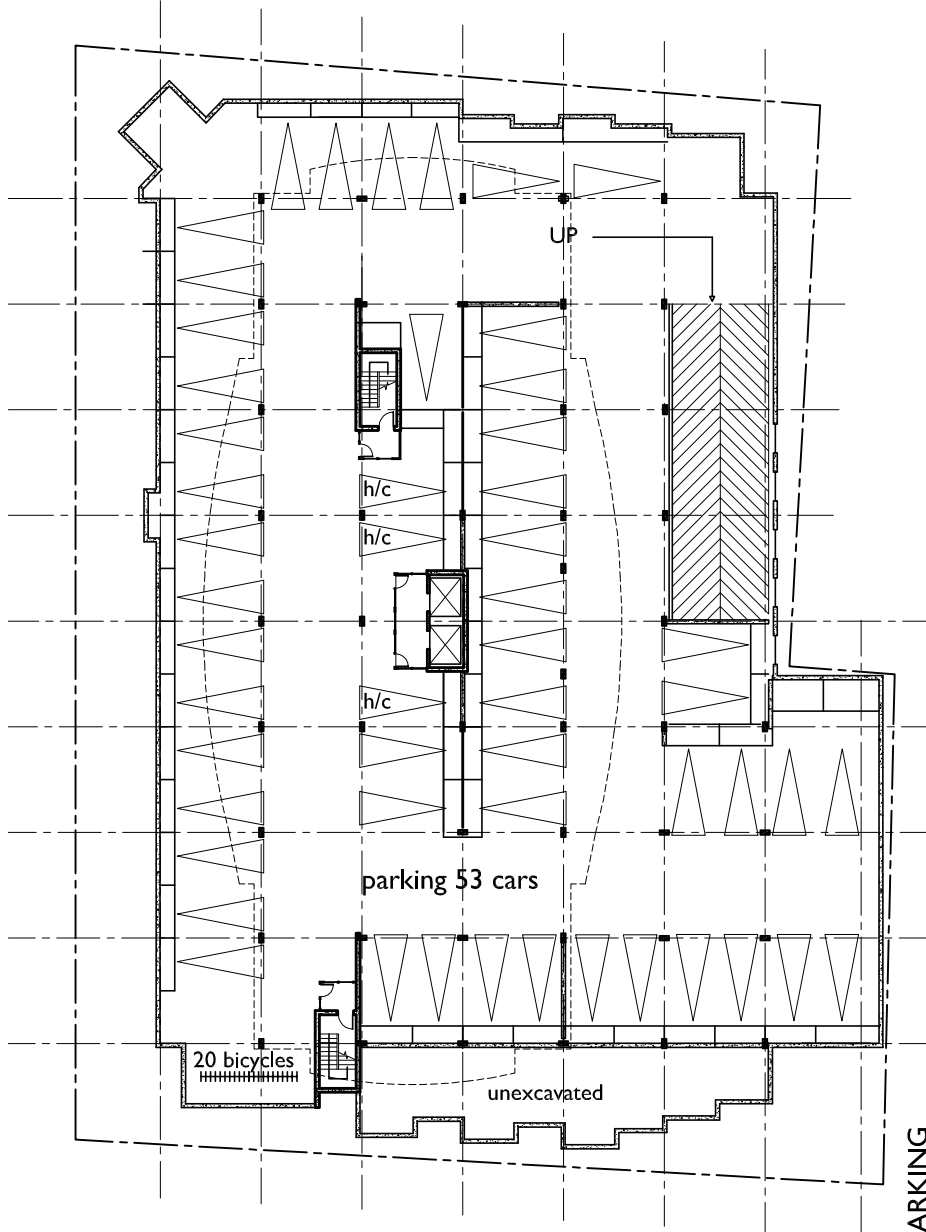
**GOTTINGEN STREET, HALIFAX NS**

**KASSNER/GOODSPEED ARCHITECTS**

SUITE 200, 5663 CORNWALLIS ST.  
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SCALE: 1"=30'  
Mar 28, 2011





LOWER PARKING  
GFA 27,224sf



**SAINT JOSEPH'S SQUARE CONDOMINIUMS**

**SCHEDULE G**

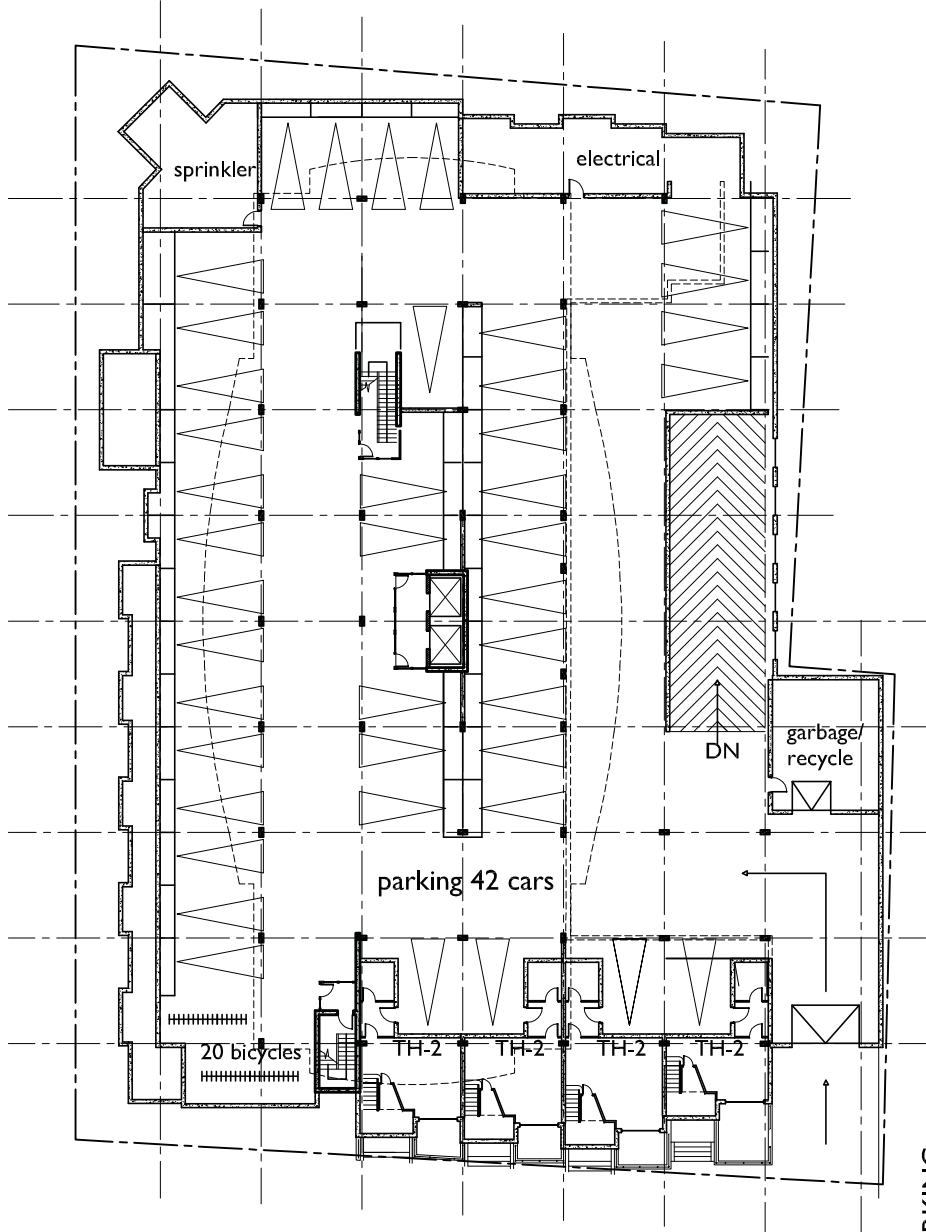
GOTTINGEN STREET, HALIFAX NS

PLAN - LOWER PARKING

**KASSNER/GOODSPEED ARCHITECTS**

SUITE 200, 5663 CORNWALLIS ST.  
HALIFAX, N.S., B3K 1B6 (902) 422-1557

SCALE: 1"=40'  
Mar 25, 2011



UPPER PARKING  
GFA 28,020sf



**SAINT JOSEPH'S SQUARE CONDOMINIUMS**

**SCHEDULE H**

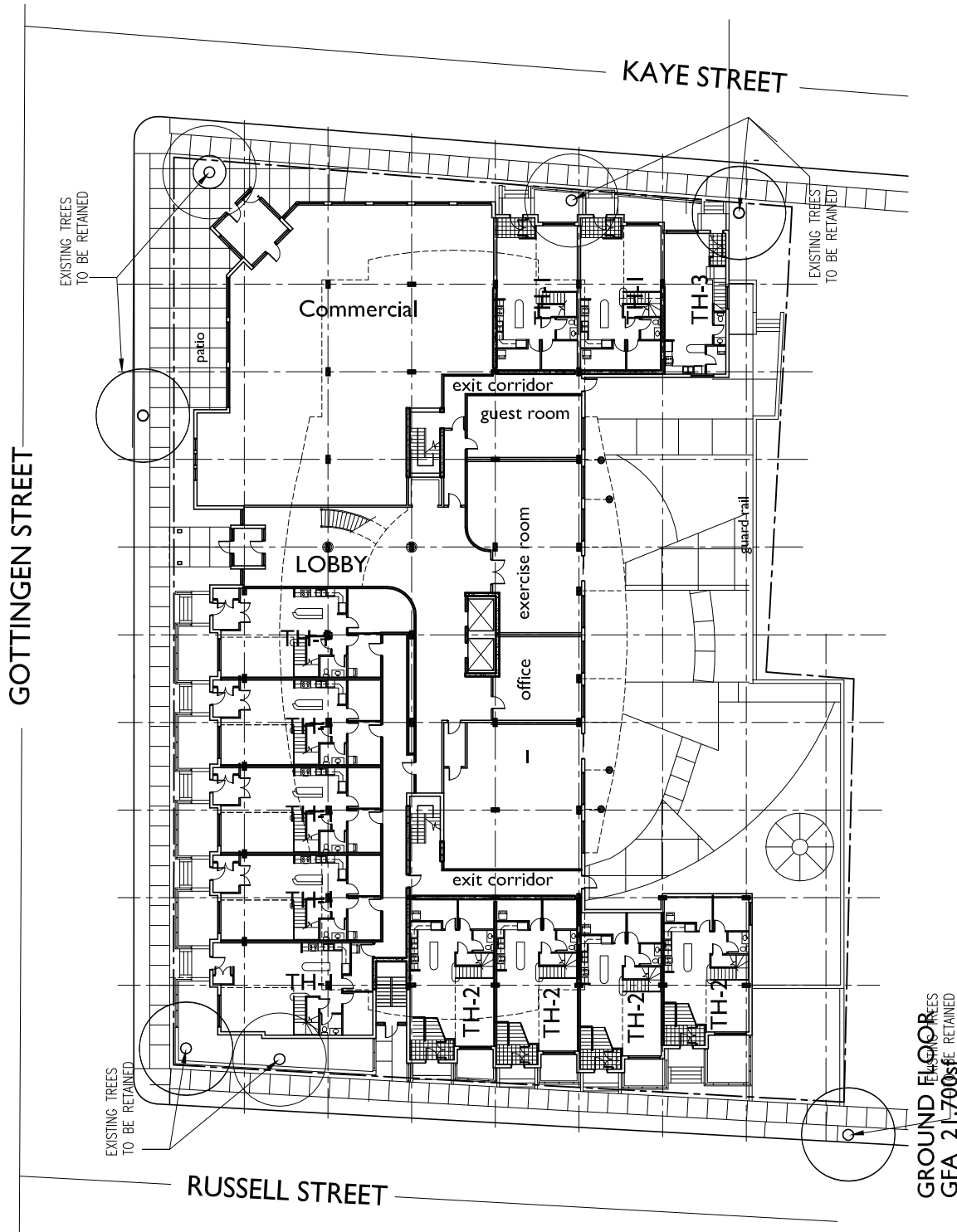
GOTTINGEN STREET, HALIFAX NS

PLAN - UPPER PARKING

**KASSNER/GOODSPEED ARCHITECTS**

SUITE 200, 5663 CORNWALLIS ST.  
HALIFAX, N.S., B3K 1B6 (902) 422-1557

SCALE: 1"=20'  
Mar 25, 2011



GROUND FLOOR  
 MAINTENANCE  
 GFA 21,700sqft RETAINED



**SAINT JOSEPH'S SQUARE CONDOMINIUMS**

**SCHEDULE I**

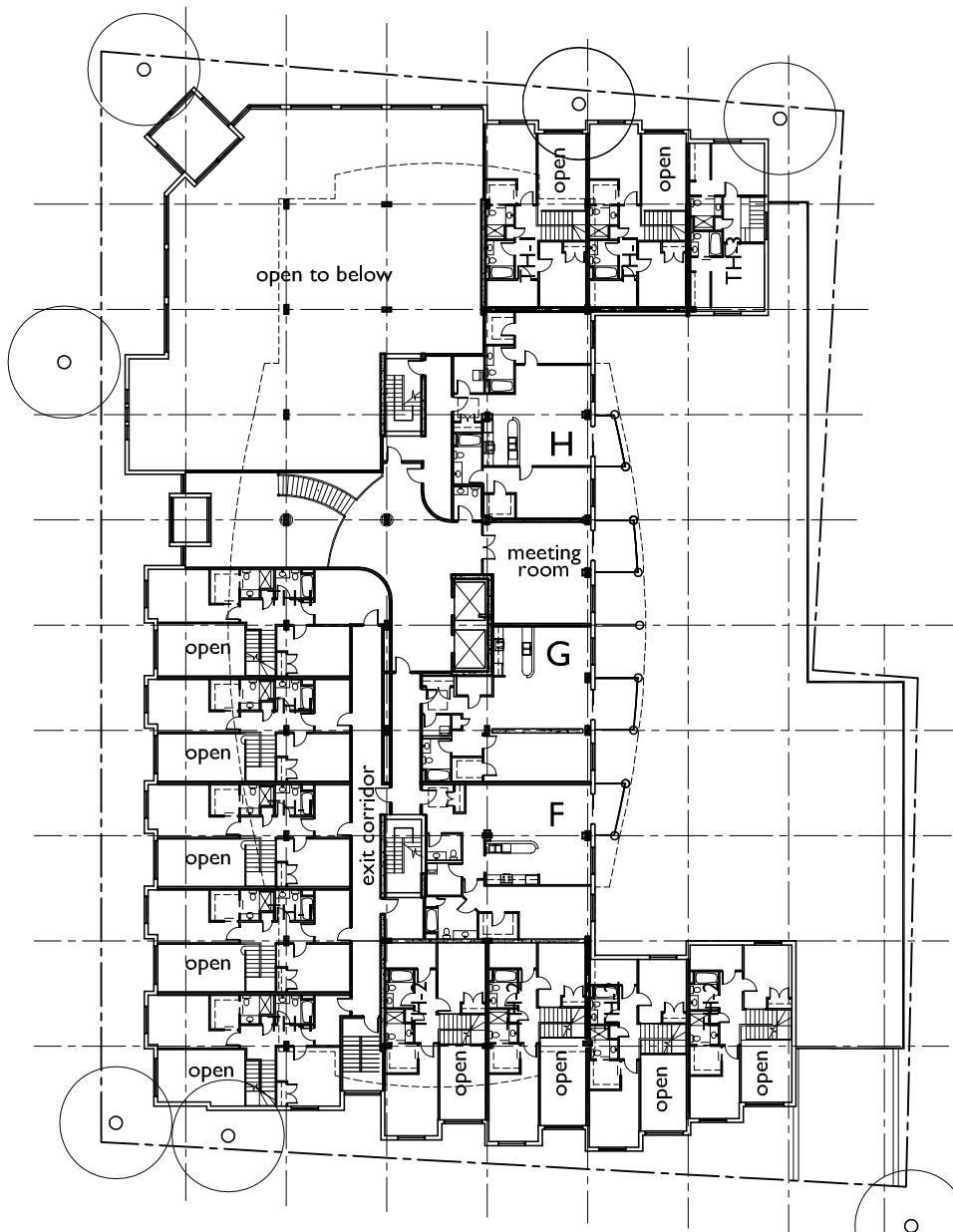
GOTTINGEN STREET, HALIFAX NS

PLAN - GROUND FLOOR

**KASSNER/GOODSPEED ARCHITECTS**

SUITE 200, 5663 CORNWALLIS ST.  
 HALIFAX, N.S., B3K 1B6 (902) 422-1557

SCALE: 1"=40'  
 Mar 25, 2011



SECOND FLOOR  
GFA 14,200 sf



**SAINT JOSEPH'S SQUARE CONDOMINIUMS**

**SCHEDULE J**

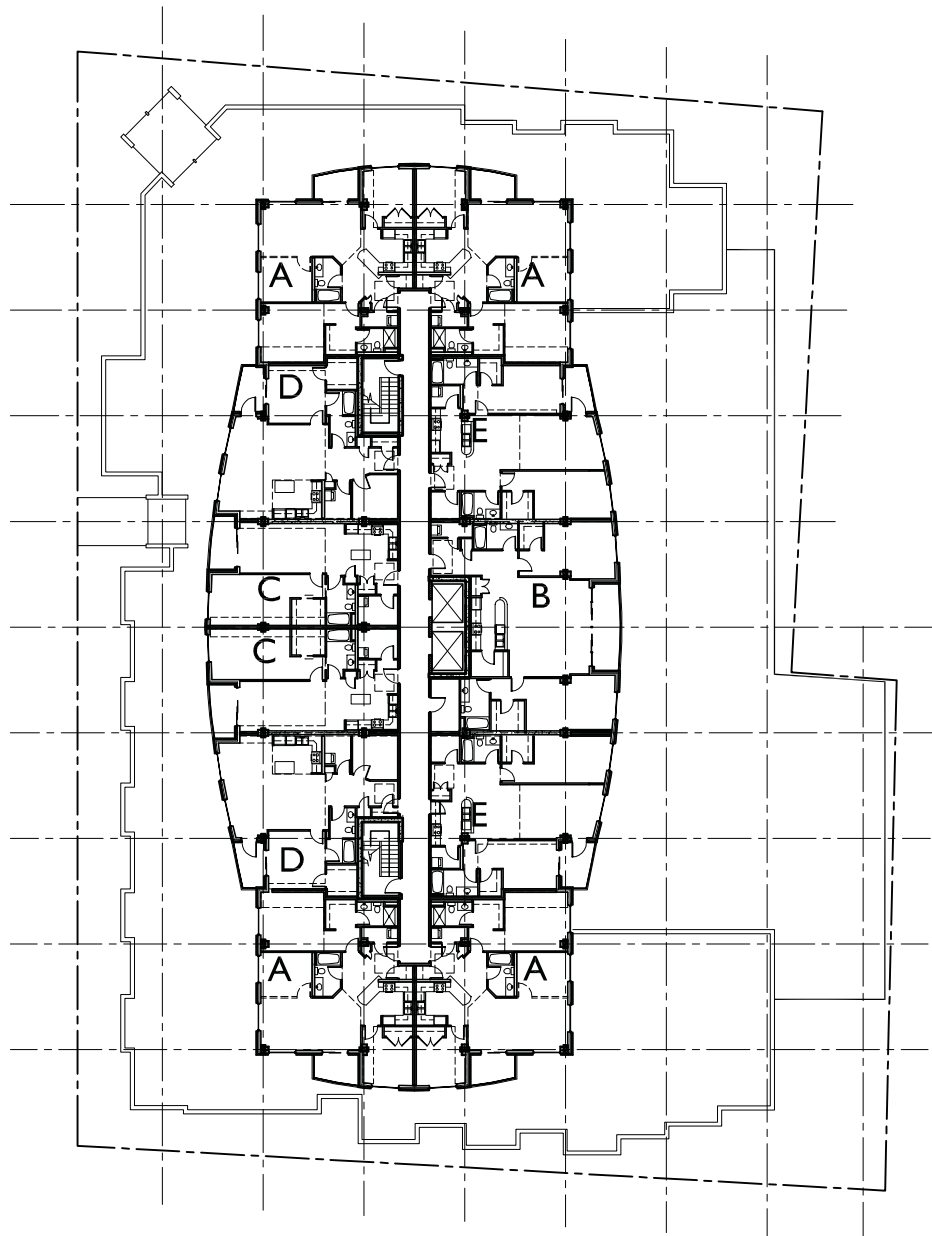
**GOTTINGEN STREET, HALIFAX NS**

**PLAN - SECOND FLOOR**

**KASSNER/GOODSPEED ARCHITECTS**

SUITE 200, 5663 CORNWALLIS ST.  
HALIFAX, N.S., B3K 1B6 (902) 422-1557

SCALE: 1"=40'  
Mar 25, 2011



TYPICAL FLOOR 3-7  
GFA 13750sf



**SAINT JOSEPH'S SQUARE CONDOMINIUMS**

**SCHEDULE K**

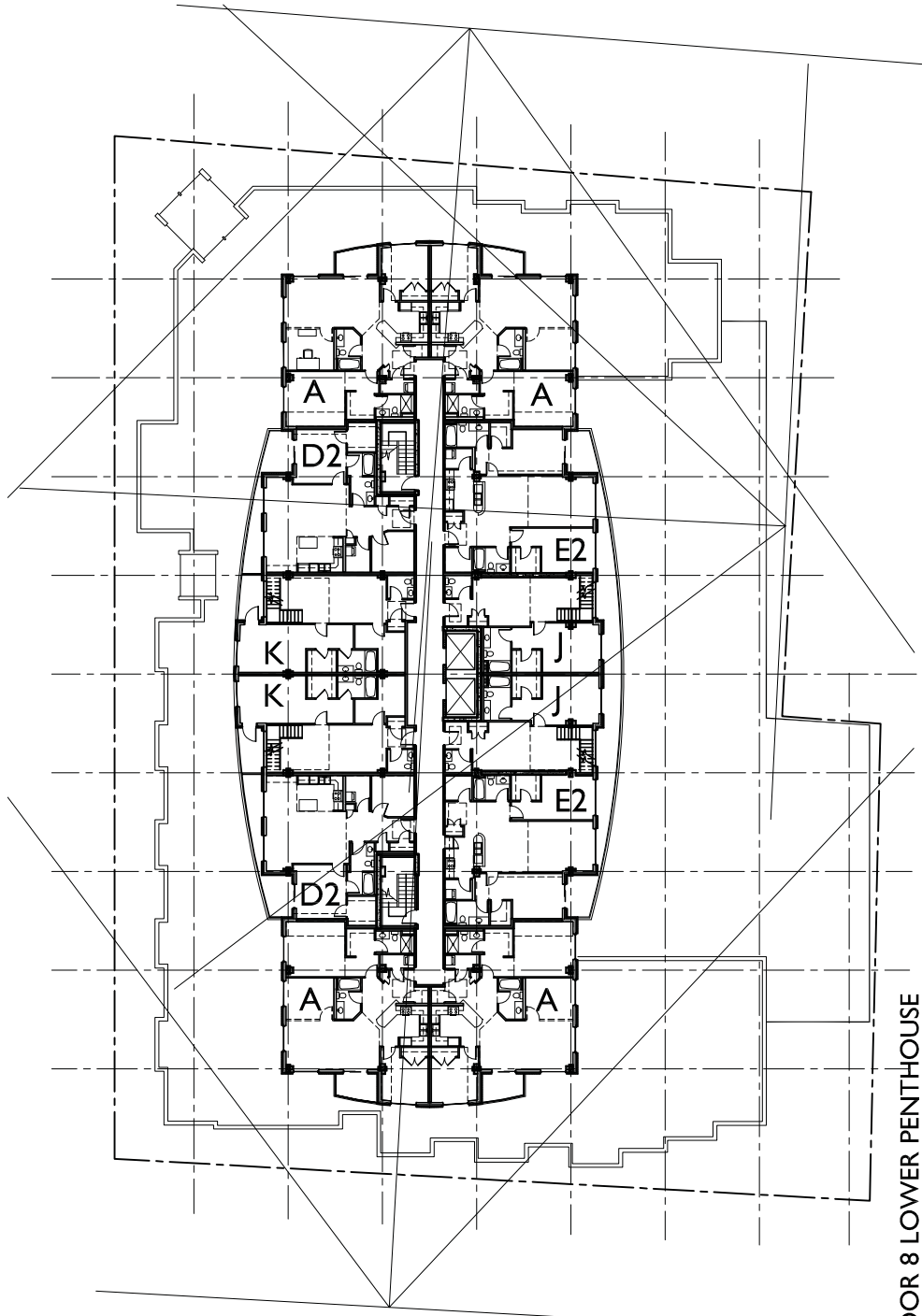
GOTTINGEN STREET, HALIFAX NS

PLAN - TYPICAL FLOOR 3-7

**KASSNER/GOODSPEED ARCHITECTS**

SUITE 200, 5663 CORNWALLIS ST.  
HALIFAX, N.S., B3K 1B6 (902) 422-1557

SCALE: 1"=40'  
Mar 25, 2011



FLOOR 8 LOWER PENTHOUSE  
GFA 12400sf



**SAINT JOSEPH'S SQUARE CONDOMINIUMS**

**SCHEDULE L**

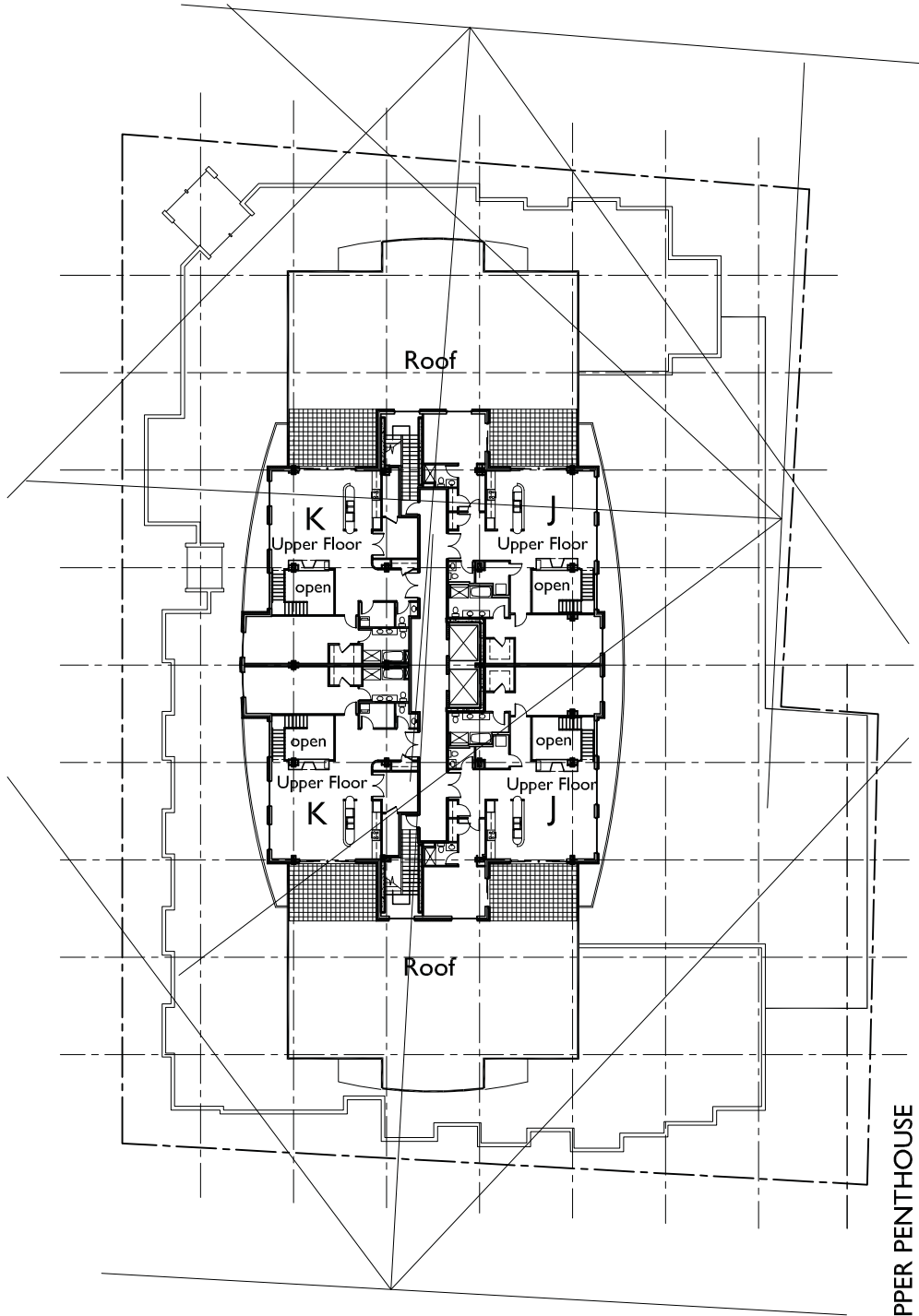
GOTTINGEN STREET, HALIFAX NS

PLAN - EIGHTH FLOOR

**KASSNER/GOODSPEED ARCHITECTS**

SUITE 200, 5663 CORNWALLIS ST.  
HALIFAX, N.S., B3K 1B6 (902) 422-1557

SCALE: 1"=40'  
Apr 05, 2011



UPPER PENTHOUSE  
GFA 6585sf



**SAINT JOSEPH'S SQUARE CONDOMINIUMS**

**SCHEDULE M**

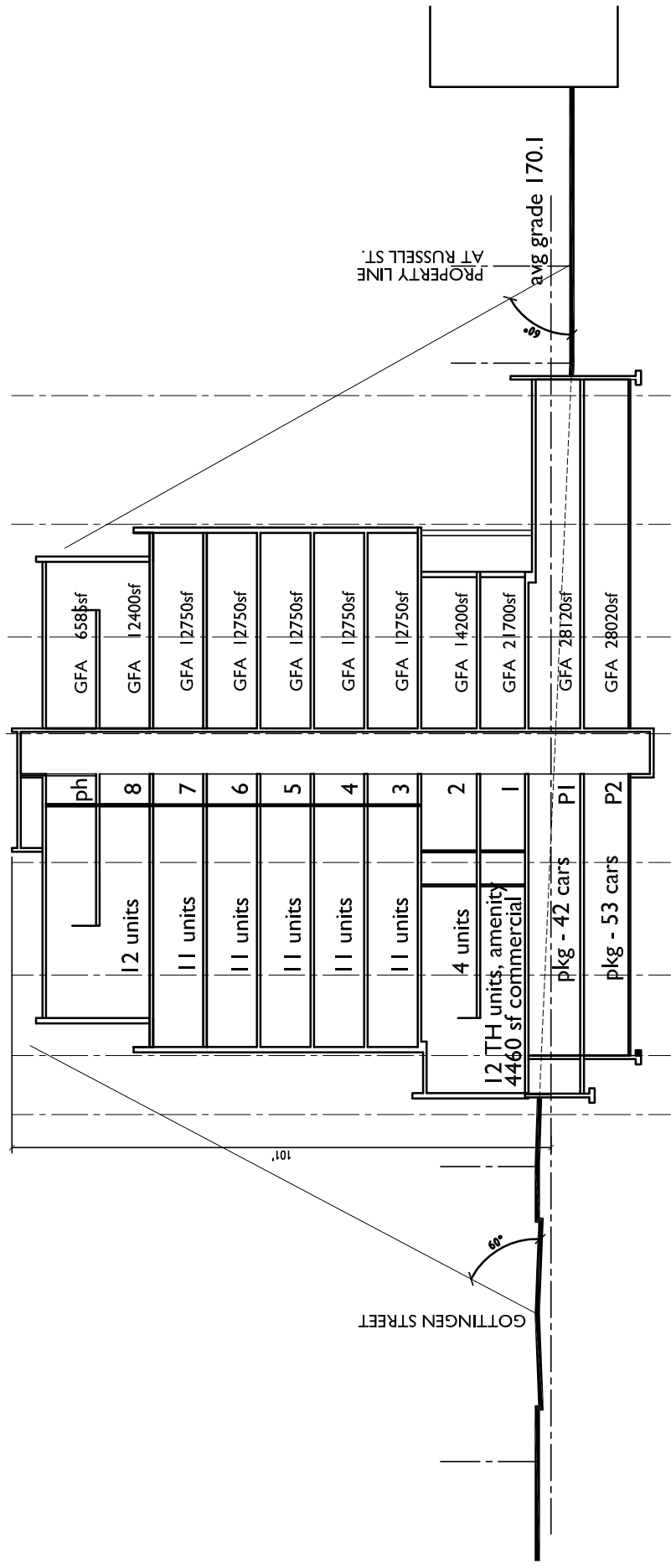
GOTTINGEN STREET, HALIFAX NS

PLAN - UPPER PENTHOUSE

**KASSNER/GOODSPEED ARCHITECTS**

SUITE 200, 5663 CORNWALLIS ST.  
HALIFAX, N.S., B3K 1B6 (902) 422-1557

SCALE: 1"=40'  
Mar 25, 2011



83 units  
total GFA 174,605 sf

95 cars



**SCHEDULE N**

**SAINT JOSEPH'S SQUARE CONDOMINIUMS**

**CROSS SECTION**

**GOTTINGEN STREET, HALIFAX NS**

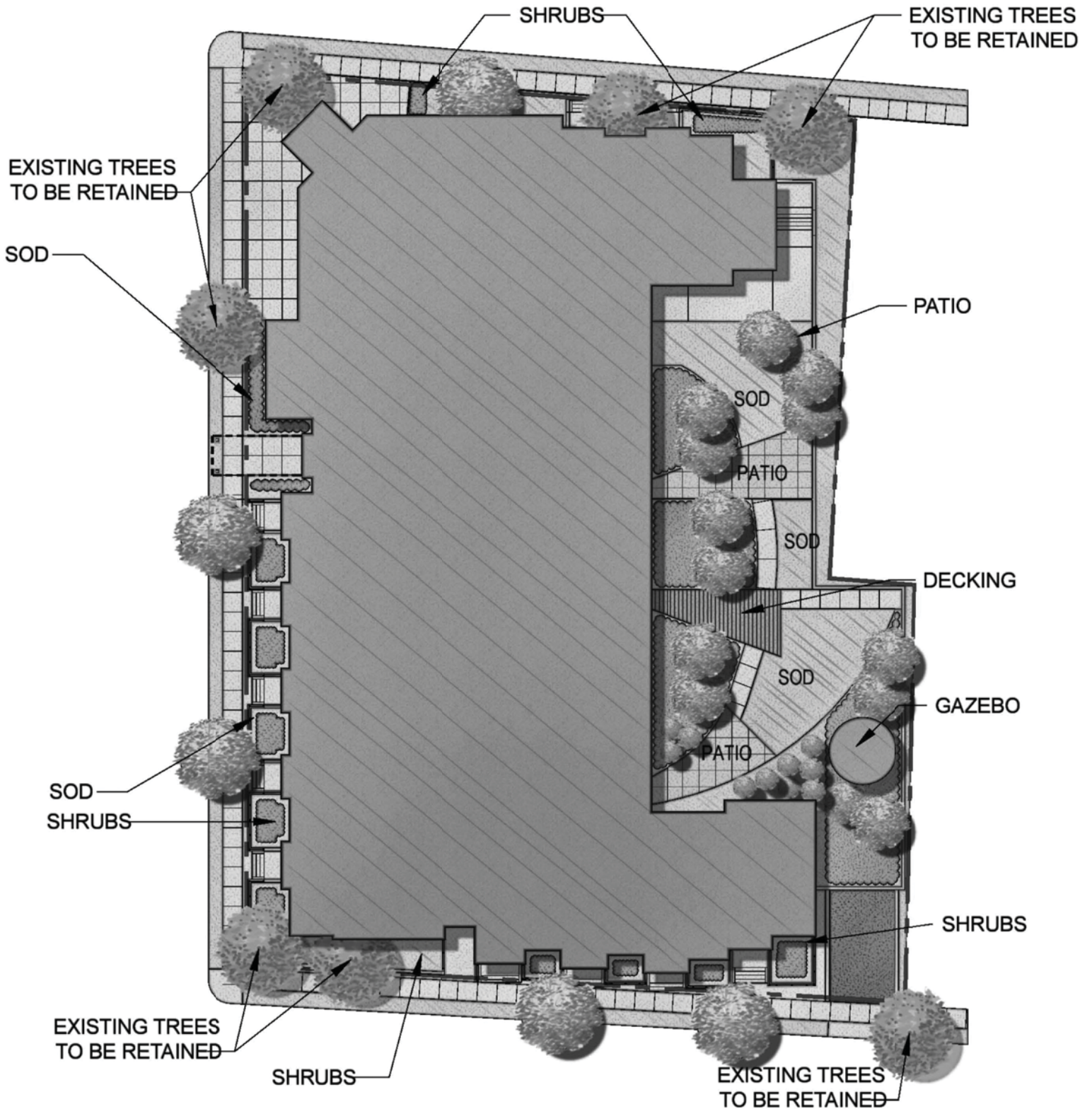
**KASSNER/GOODSPEED ARCHITECTS**

SUITE 200, 5663 CORNWALLIS ST.  
HALIFAX, N.S., B3K 1B6 (902) 422-1557

SCALE: 1"=30'  
Mar 28, 2011



# Schedule "O"



# Schedule "P"





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**November 06, 2014- Revised March 23, 2015**

**Attention:** Mr. Paul Sampson, Planner Development Approvals  
Community and Recreational Services  
Developments Approvals  
Halifax Regional Municipality  
7071 Bayers Road, Halifax NS

**Re: Saint Joseph Square Development- Application for Non-Substantive Amendments to Development Agreement (Case N°. 01325) PID: 40850463**

Dear Mr. Sampson,

Please consider this application for a non-substantive amendment to the Development Agreement (DA) for the proposed Saint Joseph Square development on the east side of Gottingen Street between Kaye Street and Russell Street, Halifax, NS.

Since the registering of the DA in 2012 and acquisition of the property by GTL Investments (a Lawen Group Company), Dixel has made considerable progress in developing the DA for construction. We had several meetings and discussions with HRM staff regarding minor changes regarding the moving of the main residential entry, the relocation of the stained glass windows, and the re-articulation of the commercial front. To assure the fulfillment of all critical aspects of the DA the following have been conducted: a detailed topographic survey locating trees and all significant site details; inspection, quantification, palletisation and storage of the reclaimed St. Joseph's sandstone; the inspection and measuring of the salvaged stained glass window panels from St. Joseph's church; and a study of the architectural qualities which characterize the Hydrostone district and surrounding neighborhood. These inputs have informed and stimulated the development of this proposal which intends to bringing the project into the "here and now" in response changes in the residential apartment market, new building technologies and an evolving appetite for urbanism and distinctive building design. The drawings and documents herein submitted constitute part of the first draft of construction drawings.

This application substantially conforms to the original DA and conscientiously adheres to the historical significance of the Hydrostone neighborhood. While all the principle aspects and intents of the current DA have been maintained, the proposed amendments have been carefully weighed in compliance with current land use by-laws and building codes and are now being brought forward with the intent to produce a viable project that will enhance the neighborhood fabric.

**The following is a summary of the proposed non-substantive amendments to the existing DA as defined in items (c), (d) and (f) of part 6.1 of the agreement:**

**6.1 (c) Changes to the landscape requirements as indicated DA schedule “O”**

The survey boundaries vary slightly from the DA which was based on a lot consolidation survey showing only boundary lines dated May 11, 1999. All minimum setbacks from the boundary corners have been maintained as set out in the DA’s Schedule “B”.

The actual existing tree locations vary somewhat from that shown in DA’s Schedule 1 and the two most eastward trees along the Kaye Street boundary actually do not exist – see appendix 1. Along with the absence of two trees noted, please note that the three trees within the property lines at the Gottingen corners with Kaye and Russell Streets trees cannot be retained due to their proximity to the building foundations – see appendix 1.

The propose landscape plan respects the DA’s intend. Planters with sod and shrubs follow along the townhouse fronts and the east podium is landscaped with shrubs, sod paved areas and a gazebo. The layout has been revised due to the relocation of the residential main entry and stained glass windows, the location of the transformer pad and adjacent maintenance parking and relationship to the revised 1<sup>st</sup> floor plan.

**6.1 (d) An increase in the number of dwelling units from 83 to 106**

The proposed density of 199 persons remains below the maximum permitted population of 200 persons. The maximum height of the building of 32.86m height above the mean grade remains below the 33m limit set in the DA.

The proposed amended development has increased the number of residential units per floor to achieve smaller, more marketable units. Therefore the proposed building’s size has not changed and only minor changes have been made to the exterior as described below.

The increase in number of sought after units sizes and population density lends to higher use of the communal spaces, helps support the commercial tenants and makes the proposed development a more viable and vibrant place to call home.

**6.1 (f) Minor changes to the exterior architectural appearance of the building, including, materials, architectural treatments and fenestration pattern**

The proposed architectural character and materials achieve high standards of livability. Along with the changes mentioned above, the proposed massing respects the original DA's intent while a more contemporary and linear aesthetic has been adopted.

**Minor changes to the architectural treatment - commercial streetscape**

The architectural appearance of the first floor commercial level has been revised to allow for an architectural look that is in harmony with the architectural rhythm scale and massing of the historic Hydrostone market.

The commercial Hydrostone streetscape along Young street has an in-and-out rhythm with stepped-out "bookends" – see photo 1. Similarly, the residential Hydrostone blocks have 2 storey entirely "stone" clad single family house "bookends" – see photo 2. These historic neighborhood examples have influenced the proposed treatment of the commercial front which incorporates slightly projecting "bookends" to punctuate the commercial facade. As a consequence, the plan at the corner of Gottingen and Kaye streets steps slightly forward rather than recedes and thus avoids eroding the block's corner. The recent "Garden Stone Place" opposite the Hydrostone market also demonstrates this formal approach see photo 3.

To further reinforce this commercial frontage, the main residential pedestrian entrance has been moved from Gottingen Street to Kaye Street to prevent its competition with the commercial streetscape and functionally separates them.

A single 3.68 m high commercial 1<sup>st</sup> floor area has been opted over a 2-storey high space which is more in keeping with the neighborhood's commercial fabric consisting of small shops, restaurants and services. Accordingly, the portion of the second floor over the commercial level has been dedicated to residential units.

**Minor changes in the architectural treatment - townhouse entry articulation**

The townhouse's projecting entry volumes have been maintained and have been further articulated: the residential entry verandas and porticos typical in the neighborhood (see photo 4) have been translated into a 2nd floor volume projection to provide cover for the entry doors. This volume is punctuated by a corner window to allow more daylight and provide oblique views along walkways which are animated by the nearby schools, churches and shops. The continuous 2 storey glazing is maintained between the entry projections.

Due to the elder residential market's preference for accessible single floor dwellings, some townhouse units have been replaced with separate residential units on the 1<sup>st</sup> and 2<sup>nd</sup> floors. This has not altered the external 2 storey townhouse look.

**Minor changes in the architectural treatment - tower façade articulation**

The 7 storey tower block portion has retained its symmetry. The original DA's add-on curved vertical volumes articulating the main 6 storey volume are interpreted by projecting facades planes and so reducing the verticality of the elevations. These façade planes are punctured at the balconies which retain a similar distribution to the DA's and effectively lighten the massing. The penthouse has been simplified into a single storey rectangular volume rather than a 2 storey and a curtain wall cladding differentiates it to further reduce the apparent vertical massing.

While not illustrated in the DA, the proposal shows a mechanical penthouse volume containing a mechanical room, access stair & elevator overhead. It will be finished with an architectural ventilated panelized cladding. This mechanical penthouse is within the maximum allowable height established in the DA.

**Minor changes to the fenestration pattern**

The aluminum storefronts along Gottingen Street have been revised to interpret the rhythm of the Hydrostone market including the recessed and bevelled shop windows. The windows above the shop fronts also interpret the rhythm of the residential level above the Hydrostone shops – see photo 1.

Fenestration in the tower portion maintains the DA's number of openings and single format window sizes while adopting a contemporary subdivision without transom divisions at eye level. High thermal performance triple-glazed windows will be used for the tower portion and the punched residential windows on 2 storey base, while aluminum windows, curtain wall/window wall will be used for the shop fronts and the balance of the townhouse fenestration as in the DA. The partial curtain wall treatments of the 8<sup>th</sup> and 9<sup>th</sup> floors has been reallocated to clad the entire 9th floor to provide more continuous glazing for the views.

**Relocation and more monumental exposition of the salvaged St. Joseph's church's stained glass windows**

The stained glass windows have been relocated from being engaged on the commercial frontage about a third of the way along the Gottingen Street façade to Kaye Street very near to the corner for a better exposure to the Hydrostone park and vehicular viewing while at the stops at this very busy corner. The relocation had to be considered because the salvaged stained glass church windows composition shown on the original DA are significantly smaller than actual size (2 windows 2710x780mm and one 3910x780mm versus 3 identical 2285x800mm windows).

Due to their significant size, their commemorative significance of not only the St. Joseph's Church, but also the Halifax explosion which they depict (see photo 5), the proposal exhibits the stained glass windows on a free standing dynamical inclined concrete wall creating a public commemorative art sculpture. This sculpture draws attention to the stained glass windows, ties it to the nearby Halifax Explosion Memorial Bell Tower (photo 6) and the memorial in the Hydrostone Park (photo 7) and highlights the importance of the site while distinguishing the windows from the building usage to avoid ambiguity. A free standing plaque in a planter area in front of this wall will recall St. Joseph's church for the community and commemorate the 1917 explosion while climbing ivy on the wall will evoke a sentimental reflection of the site's significant heritage.

#### **Minor changes to the exterior materials and their allocation**

The reuse of approximately 235 m<sup>2</sup> reclaimed sandstone from the St. Joseph's Church plays a major role in the proposed townhouse architectural look. Rather than being applied only up to the 1<sup>st</sup> floor sill levels between the townhouse entries, it replaces the precast concrete at the projecting entry volumes in the original DA and extends higher to the underside of the second floor. It is also used as a back-drop to the free-standing stained glass window wall. Together these reclaimed stone features add a more visible and touchable texture to the streetscapes: standing "fragments" giving greater power to evoke the memory of St. Joseph's Church.

For the main tower body, the mix of masonry veneer and tinted pre-cast concrete has been interpreted as a 2 color scheme in architectural ventilated panelized cladding. More energy efficient vinyl windows are proposed in place of aluminum windows in the residential tower.

Above 1<sup>st</sup> floor townhouse entries, a ventilated wood finished architectural cladding with horizontal reveals compliments the warmth of the sandstone below and recalls the small scale residential neighborhood context in a newer format. A ventilated wood finished architectural cladding is also used over the commercial shop fronts along Gottingen in place of the commercial window wall to articulate the 2<sup>nd</sup> floor as in the Hydrostone Market – see photo 1. Wood finish horizontal spandrel panels at the 9<sup>th</sup> floor penthouse will visually connect to the wood finished features along the streetscape facades.

Architectural concrete block has been chosen for the "secondary" cladding noted on the DA for the main body of the townhouse portions to connect with the neighboring Hydrostone district. At the commercial "bookends" this becomes a "salt & pepper" granite block to maintain the Hydrostone reference but differentiate them from the residential facades.



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The proposed amendments are a result of our desire to continually contribute positively to the city's fabric. It is in our opinion that the proposed non-substantive amendments will provide a high quality building that will serve its residents and commercial tenants well, recognize and support the community's desire to recognize and commemorate St. Joseph's Church's and the Halifax Explosion, respect the Hydrostone district's important historic role in characterizing and stimulating the neighborhood and provide a vibrant new contribution to the urban fabric as it did in its time.

This project is to be another example of Dexel's commitment to the greater Halifax community in designing / constructing a successful mixed use projects. We kindly request that this application be processed as promptly as possible. Site works will begin before the end of 2014.

Should you have any questions or require further information, please do not hesitate to contact me.

Kind Regards,

ORIGINAL SIGNED

Marianne Abboud, NSAA, LEED AP BD+C  
Project Architect.





Photo 1 – Hydrostone Market commercial streetscape



Photo 2 – Hydrostone townhouse & block 2 storey “bookends”



Photo 3 – The “Garden Stone Place” streetscape projecting corner treatment



Photo 4 – Typical entry verandas & porticos



Photo 5 – Salvaged stained glass windows from St. Joseph’s Church depicting the 1917 Halifax Explosion



Photo 6 – The Halifax Explosion  
Bell Tower Memorial



Photo 7 – The Hydrostone Park Halifax Explosion Memorial

Attachment D – Review of Applicable Municipal Planning Strategy Policies

Policy	Comment
<p>3.4 On the eastern side of Gottingen Street, between Russell Street and Kaye Street (PID # 40850463), the Municipality may permit, by development agreement, a mid-rise, mixed use residential and commercial building of up to 33 m in height.</p>	
<p>3.4.1 In considering an application under Policy 3.4, Council shall pay particular attention to the building's design to ensure that the building creates an animated streetscape through active ground floor uses with frequent entries and pedestrian scaled design features.</p>	<p>The streetscape continues to be animated with the new proposal.</p>
<p>3.4.2 Without limiting the generalities of Subsection 3.4.1, Council should encourage retail uses, individually accessed residential units, or a combination of both uses to occupy most of the street frontage of the building's base.</p>	<p>The street frontage continues to be occupied by retail uses and individually accessed residential uses.</p>
<p>3.4.3 If individually accessed residential units are proposed, they should have front doors on the street, with appropriate front yard privacy measures such as setbacks and landscaping. Front entrances and first floor slabs for individually accessed residential units should also be raised above grade level for privacy, and should be accessed through means such as steps, stoops and porches.</p>	<p>Individually accessed residential uses continue to have front doors on adjoining streets and appropriate setbacks and stoops so as to provide privacy for these units and an attractive streetscape.</p>
<p>3.4.4 In considering an application under Policy 3.4, Council may permit commercial uses to occupy both the ground floor and the second floor.</p>	<p>With the amendments, commercial uses will occupy only the ground floor.</p>
<p>3.4.5 In considering an application under Policy 3.4, Council shall pay particular attention to the building's interface with the existing sloping street conditions.</p>	<p>The townhouse units continue to be stepped with the street thereby providing an appropriate streetscape.</p>
<p>3.4.6 In order to break up the massing of the building, Council shall require that the building's design be articulated into three separate and distinguishable sections: a base section, a middle section, and a top section.</p>	<p>This continues to be achieved with a similar base, tower, and penthouse.</p>
<p>3.4.7 In order to ensure visual interest in the building, Council should encourage other opportunities to articulate the massing of</p>	<p>Visual interest continues to be achieved through variations in the vertical and horizontal elements of the building and changes in</p>

Policy	Comment
the building by including vertical and horizontal recesses or projections, datum lines, and changes in material, texture or colour.	materials, textures, and colours.
3.4.8 Any development permitted pursuant to Policy 3.4 shall be exempt from the angle control requirements of the R-3 (Multiple Dwelling) Zone of the Land Use By-law.	N/A
3.4.9 Any development permitted pursuant to Policy 3.4 shall be exempt from the open space requirements of the R-3 (Multiple Dwelling) Zone of the Land Use By-law.	N/A
3.4.10 Any development permitted pursuant to Policy 3.4 shall not exceed a population of 200 persons on the site.	This condition continues to be met.
3.4.11 For the purpose of calculating population density for any development permitted pursuant to Policy 3.4, the following population counts shall apply:  <ul style="list-style-type: none"> <li>(i) bachelor units shall be assigned one (1) person per unit;</li> <li>(ii) one-bedroom units shall be assigned two (2) persons per unit; and,</li> <li>(iii) all other dwelling units, including townhouse-style dwelling units, shall be assigned 2.25 persons per unit.</li> </ul>	N/A
3.4.12 For the purpose of determining the amount of parking to be provided for any development permitted pursuant to Policy 3.4, each dwelling unit shall be assigned one (1) parking space, while the commercial portion of the development will not require the provision of parking.	This condition continues to be met.
3.4.13 Further to Subsection 3.4.12, any parking to be provided on site shall be located underground.	This condition continues to be met.
3.4.14 In considering an application under Policy 3.4, Council shall ensure that vehicular and service access to the building has minimal impact on the streetscape by minimizing the width of the frontage it occupies, and by requiring a design that integrates both functions.	The locations of such features are unchanged.

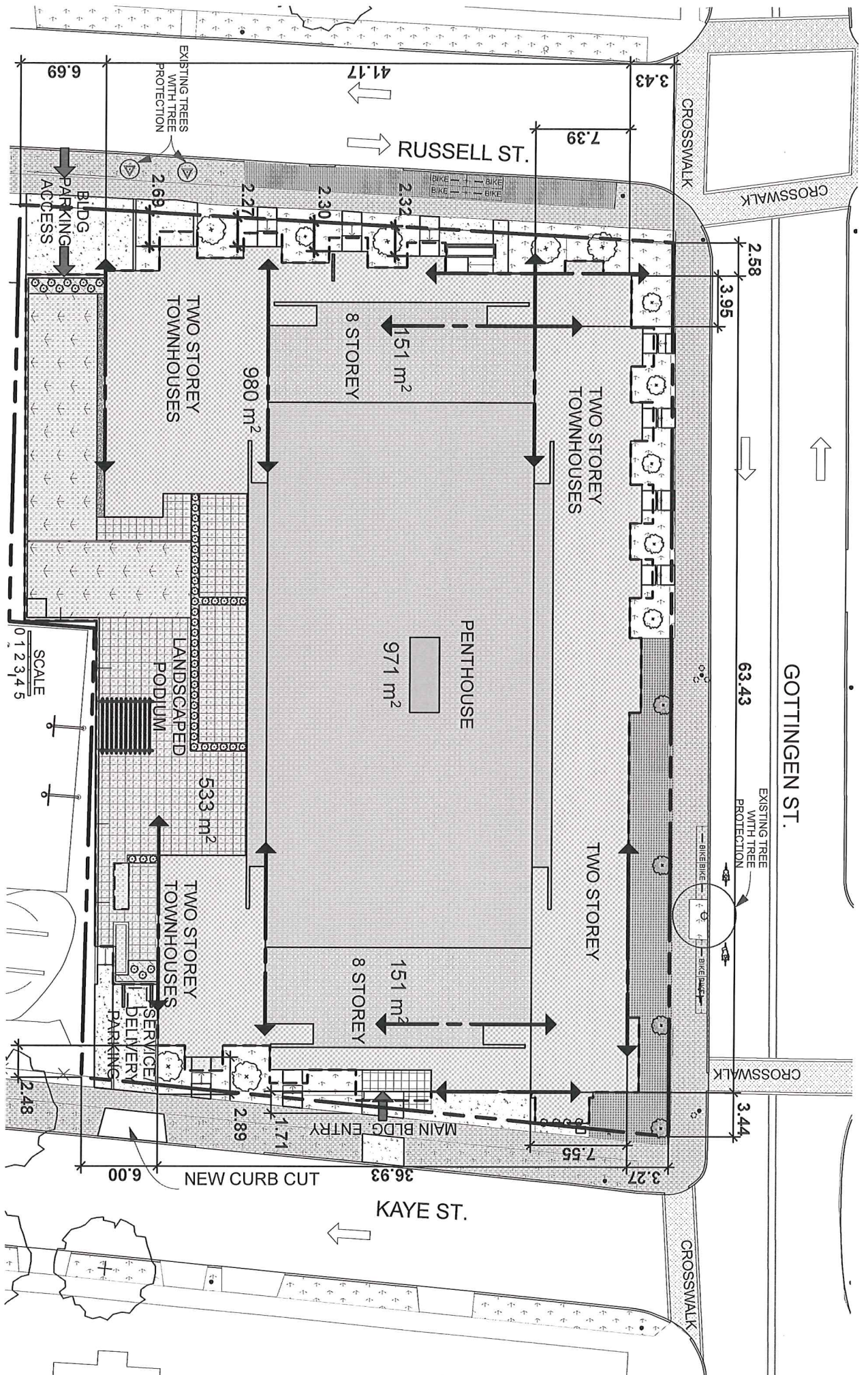
ST. JOSEPH'S SQUARE APARTMENTS

5450 KAYE ST. HALIFAX NOVA SCOTIA

SCHEDULE B-1

Site Plan

	GRAVEL		GRASS		BIKE RACK - 2 SPACES		NEW TREE WITH METAL GRATE
	ASPHALT		PAVERS		PLANTING BED WITH SMALL TREES/SHRUBS		NEW TREE
	CONCRETE WALKWAY		PAVERS		PROPERTY LINE		NEW TREE
	PROPERTY LINE						NEW TREE

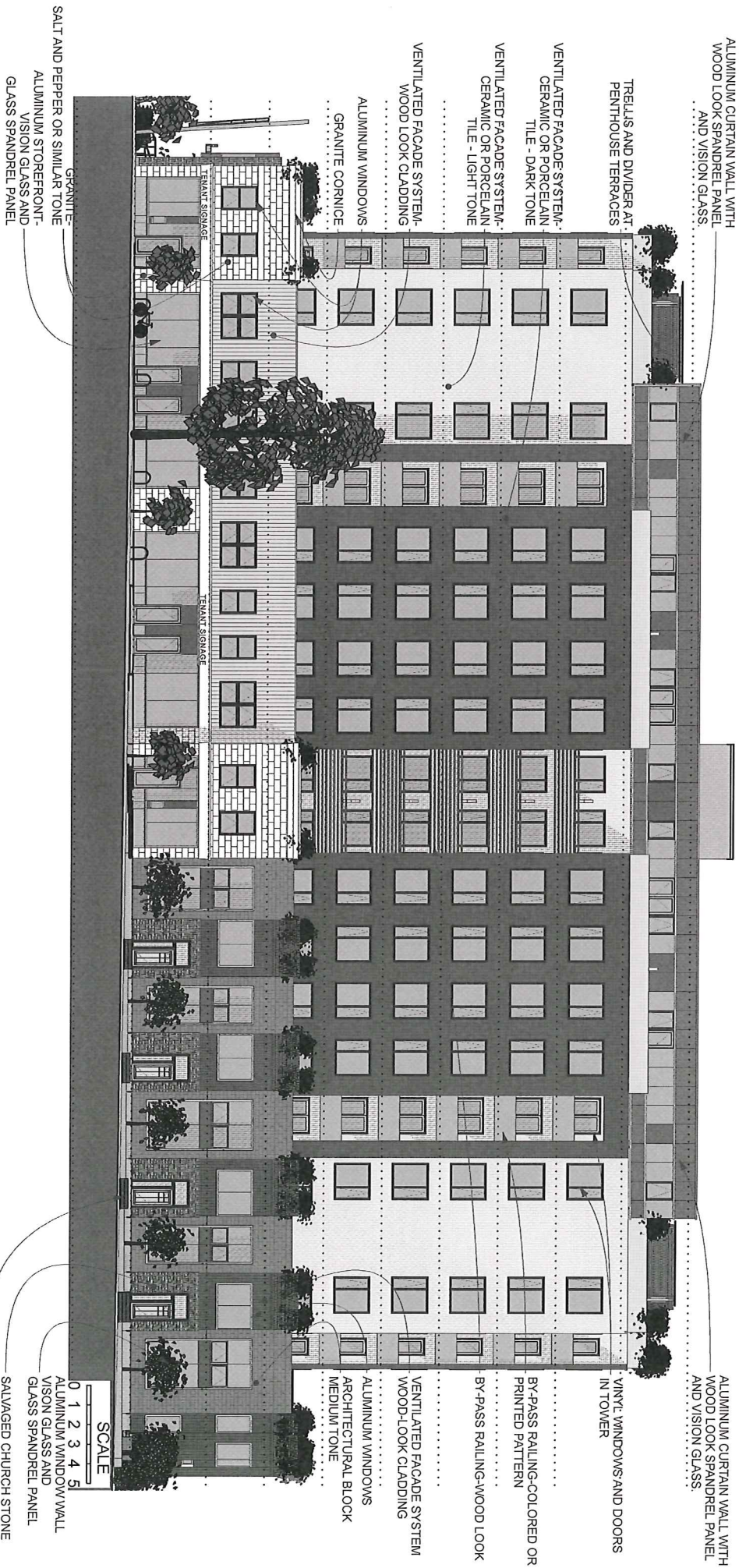


SCALE  
0 1 2 3 4 5



ST. JOSEPH'S SQUARE APARTMENTS  
 5450 KAYE ST. HALIFAX NOVA SCOTIA

SCHEDULE C-1  
 Gottingen Street Elevation



ALUMINUM CURTAIN WALL WITH WOOD LOOK SPANDREL PANEL AND VISION GLASS.

TRELLIS AND DIVIDER AT PENTHOUSE TERRACES

VENTILATED FACADE SYSTEM - CERAMIC OR PORCELAIN TILE - DARK TONE

VENTILATED FACADE SYSTEM - CERAMIC OR PORCELAIN TILE - LIGHT TONE

VENTILATED FACADE SYSTEM - WOOD LOOK CLADDING

ALUMINUM WINDOWS  
 GRANITE CORNICE

GRANITE  
 SALT AND PEPPER OR SIMILAR TONE  
 ALUMINUM STOREFRONT- VISION GLASS AND GLASS SPANDREL PANEL

ALUMINUM CURTAIN WALL WITH WOOD LOOK SPANDREL PANEL AND VISION GLASS.

VINYL WINDOWS AND DOORS IN TOWER

BY-PASS RAILING-COLORED OR PRINTED PATTERN

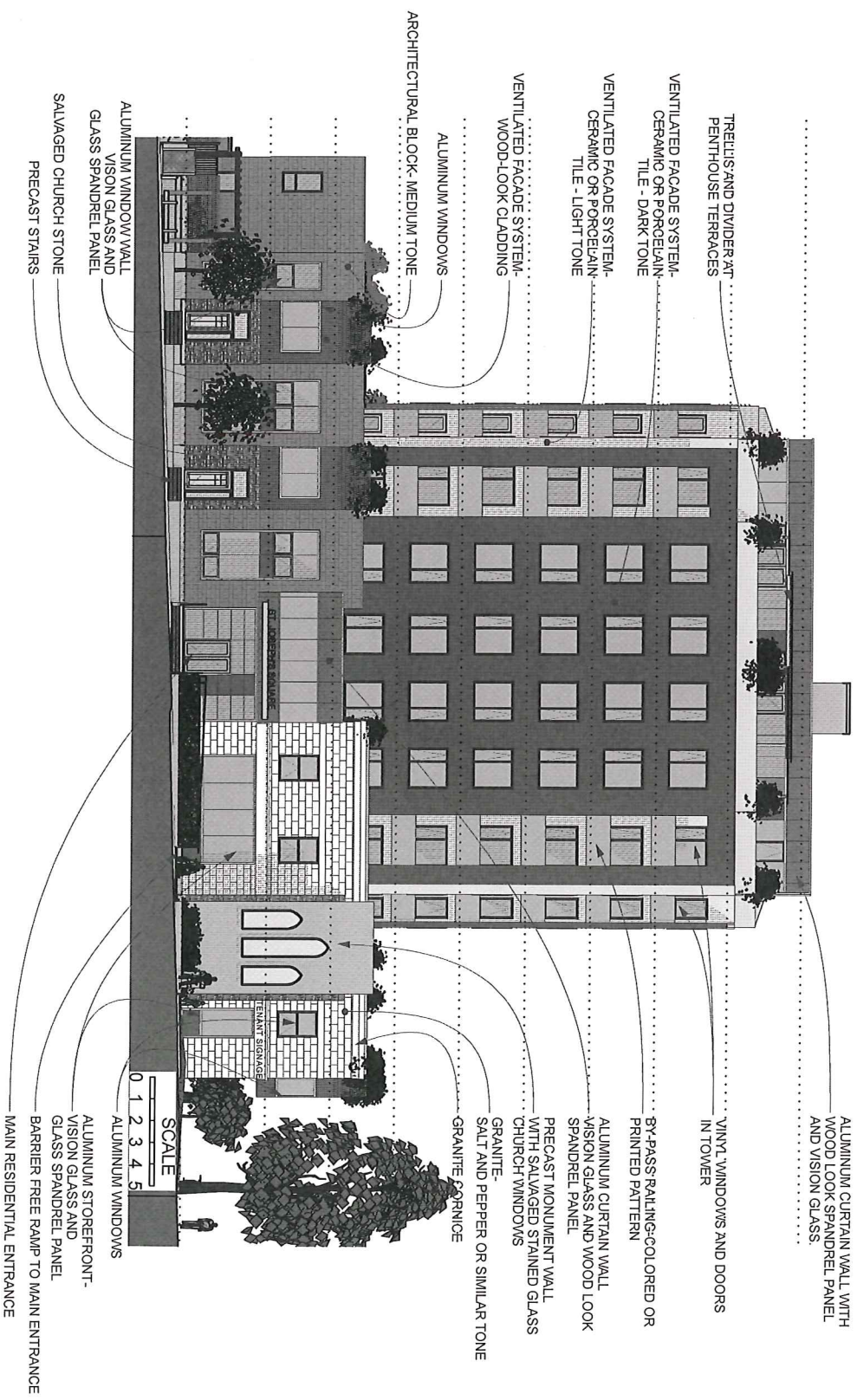
BY-PASS RAILING-WOOD LOOK

VENTILATED FACADE SYSTEM WOOD-LOOK CLADDING

ALUMINUM WINDOWS ARCHITECTURAL BLOCK MEDIUM TONE

ALUMINUM WINDOW WALL VISION GLASS AND GLASS SPANDREL PANEL  
 SALVAGED CHURCH STONE  
 PRECAST STAIRS

SCALE  
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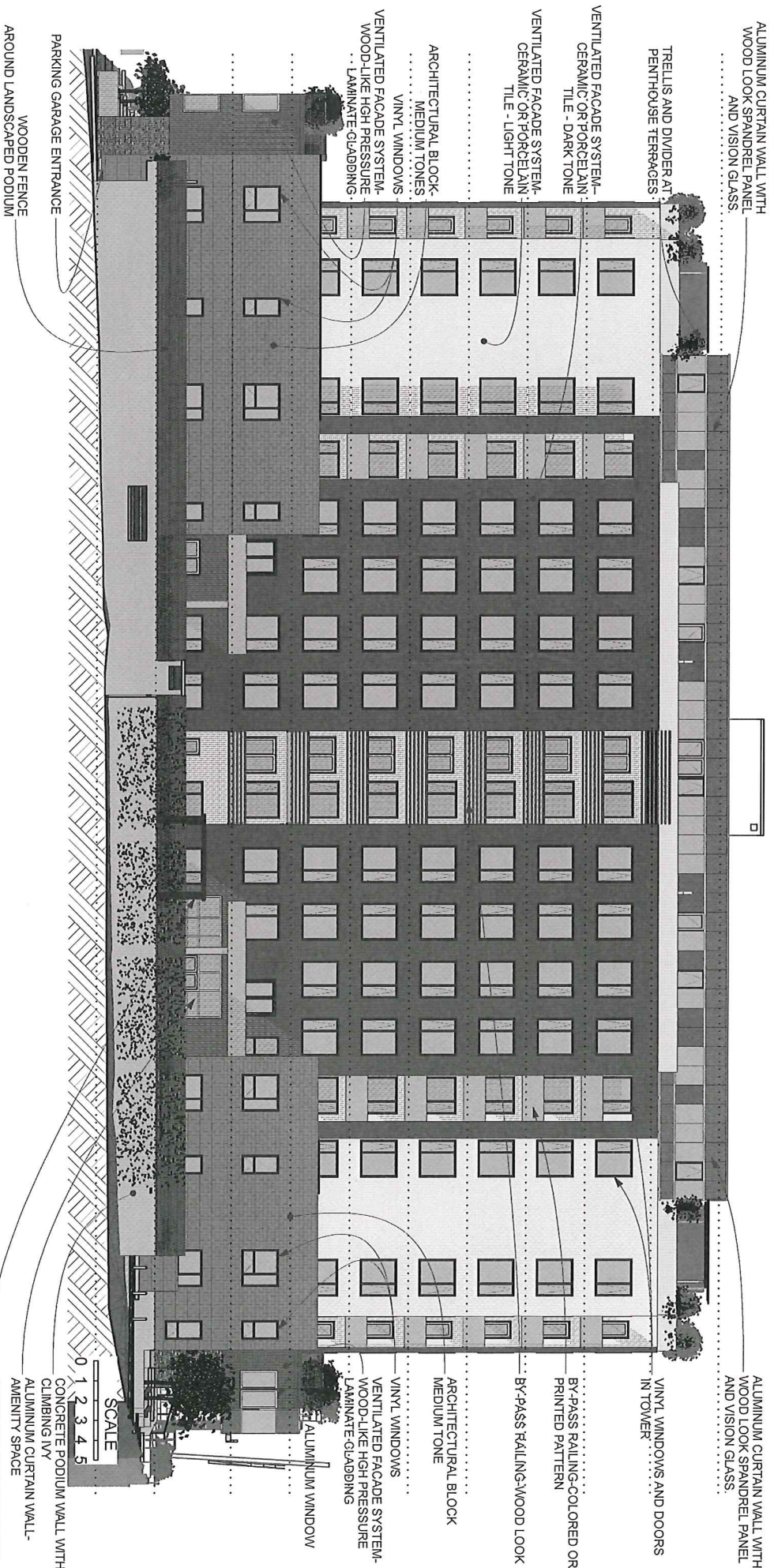


ST. JOSEPH'S SQUARE APARTMENTS

5450 KAYE ST. HALIFAX NOVA SCOTIA

SCHEDULE D-1

Kaye Street Elevation

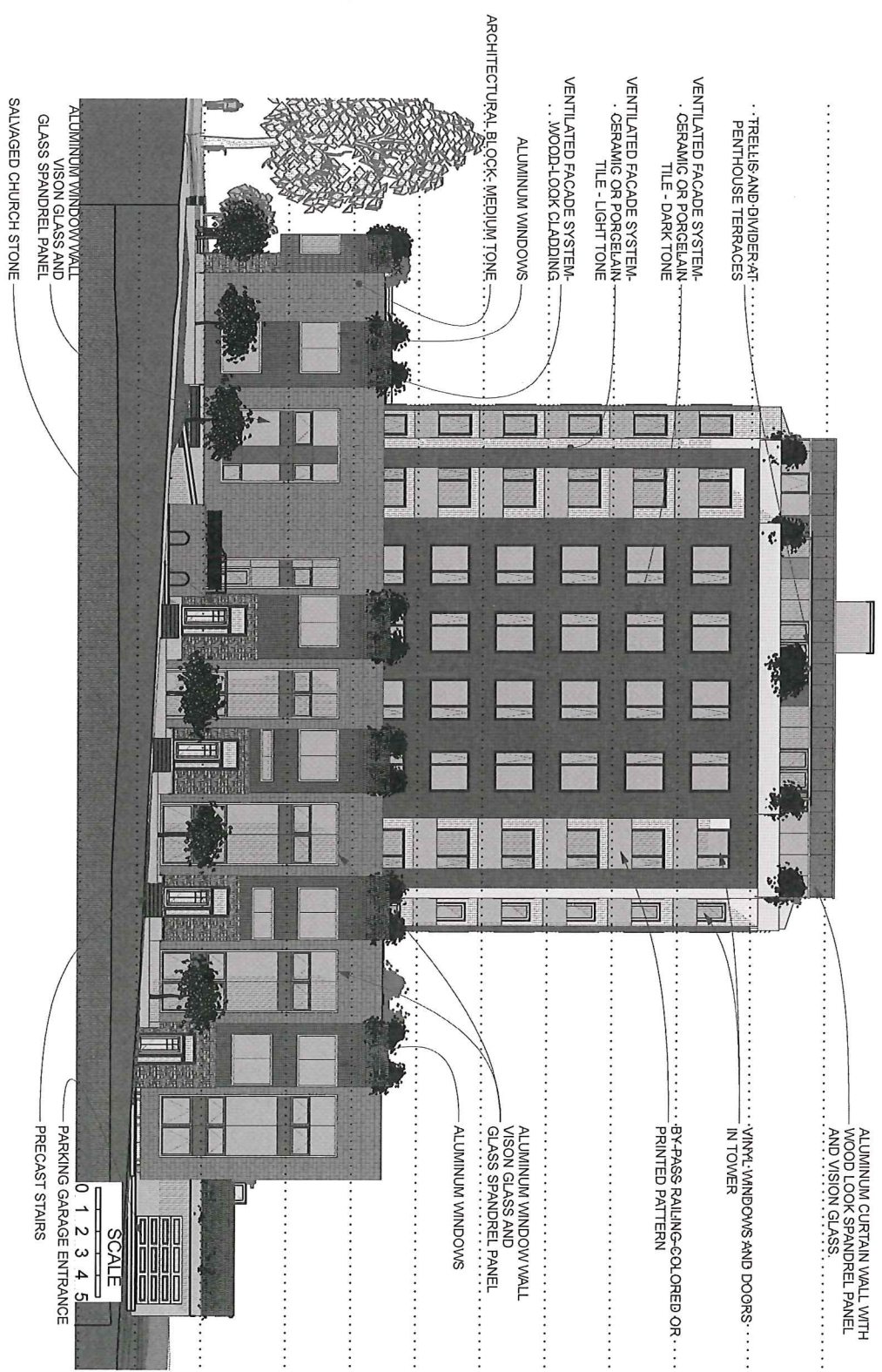


ST. JOSEPH'S SQUARE APARTMENTS

5450 KAYE ST. HALIFAX NOVA SCOTIA

SCHEDULE E-1

East Elevation



ALUMINUM CURTAIN WALL WITH WOOD LOOK SPANDREL PANEL AND VISION GLASS.

VINYL WINDOWS AND DOORS IN TOWER

BY-PASS RAILING-COLORED OR PRINTED PATTERN

VENTILATED FACADE SYSTEM- CERAMIC OR PORCELAIN TILE - DARK TONE

VENTILATED FACADE SYSTEM- CERAMIC OR PORCELAIN TILE - LIGHT TONE

WOOD-LOOK CLADDING

ALUMINUM WINDOWS

ALUMINUM WINDOW WALL VISION GLASS AND GLASS SPANDREL PANEL

ALUMINUM WINDOWS

ARCHITECTURAL BLOCK- MEDIUM TONE

TRELLIS AND DIVIDER AT PENTHOUSE TERRACES

VENTILATED FACADE SYSTEM- TILE - DARK TONE

VENTILATED FACADE SYSTEM- CERAMIC OR PORCELAIN TILE - LIGHT TONE

WOOD-LOOK CLADDING

ALUMINUM WINDOWS

ALUMINUM WINDOW WALL VISION GLASS AND GLASS SPANDREL PANEL

SALVAGED CHURCH STONE

SCALE  
0 1 2 3 4 5

PARKING GARAGE ENTRANCE  
PRECAST STAIRS

ST. JOSEPH'S SQUARE APARTMENTS

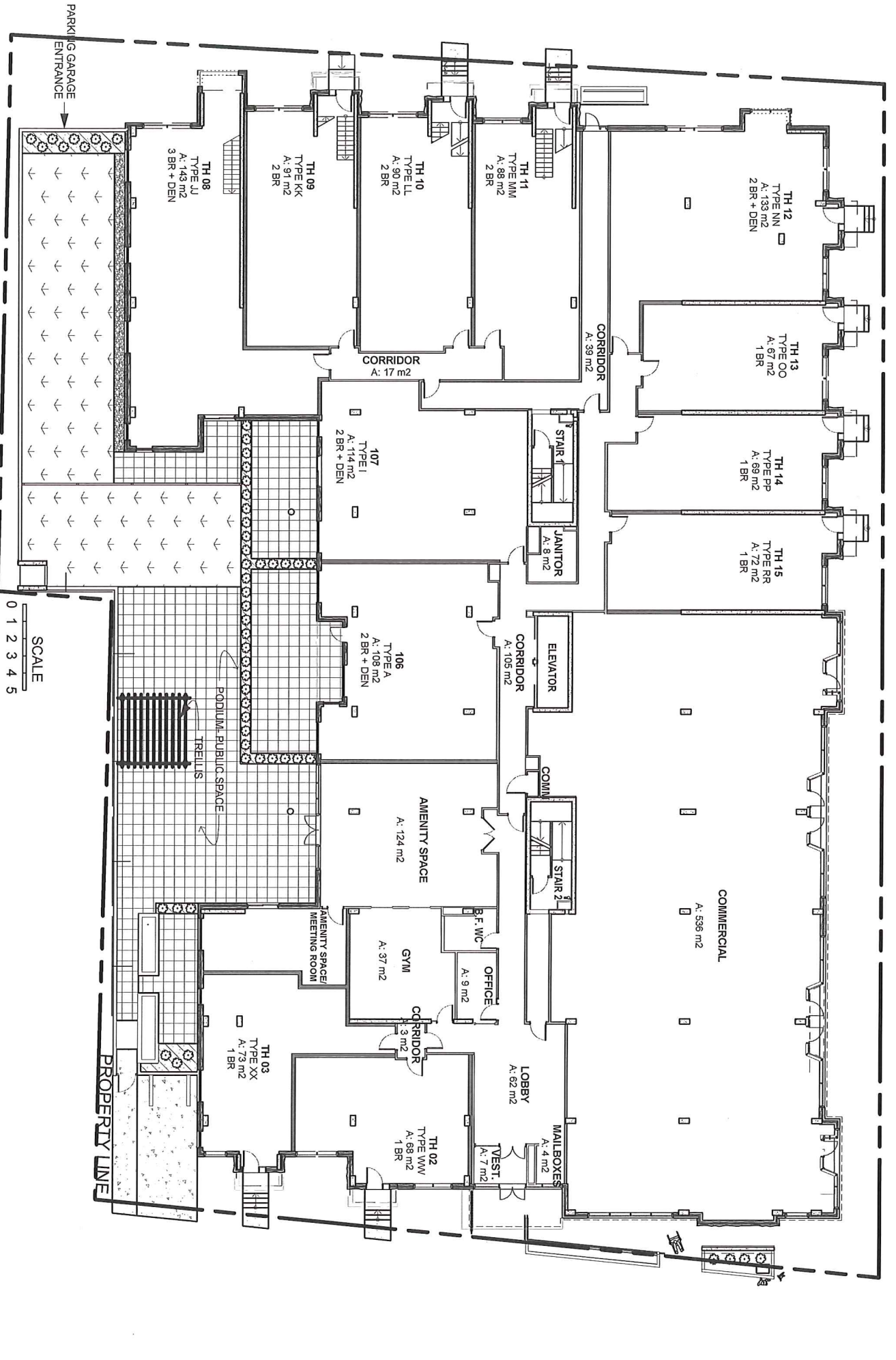
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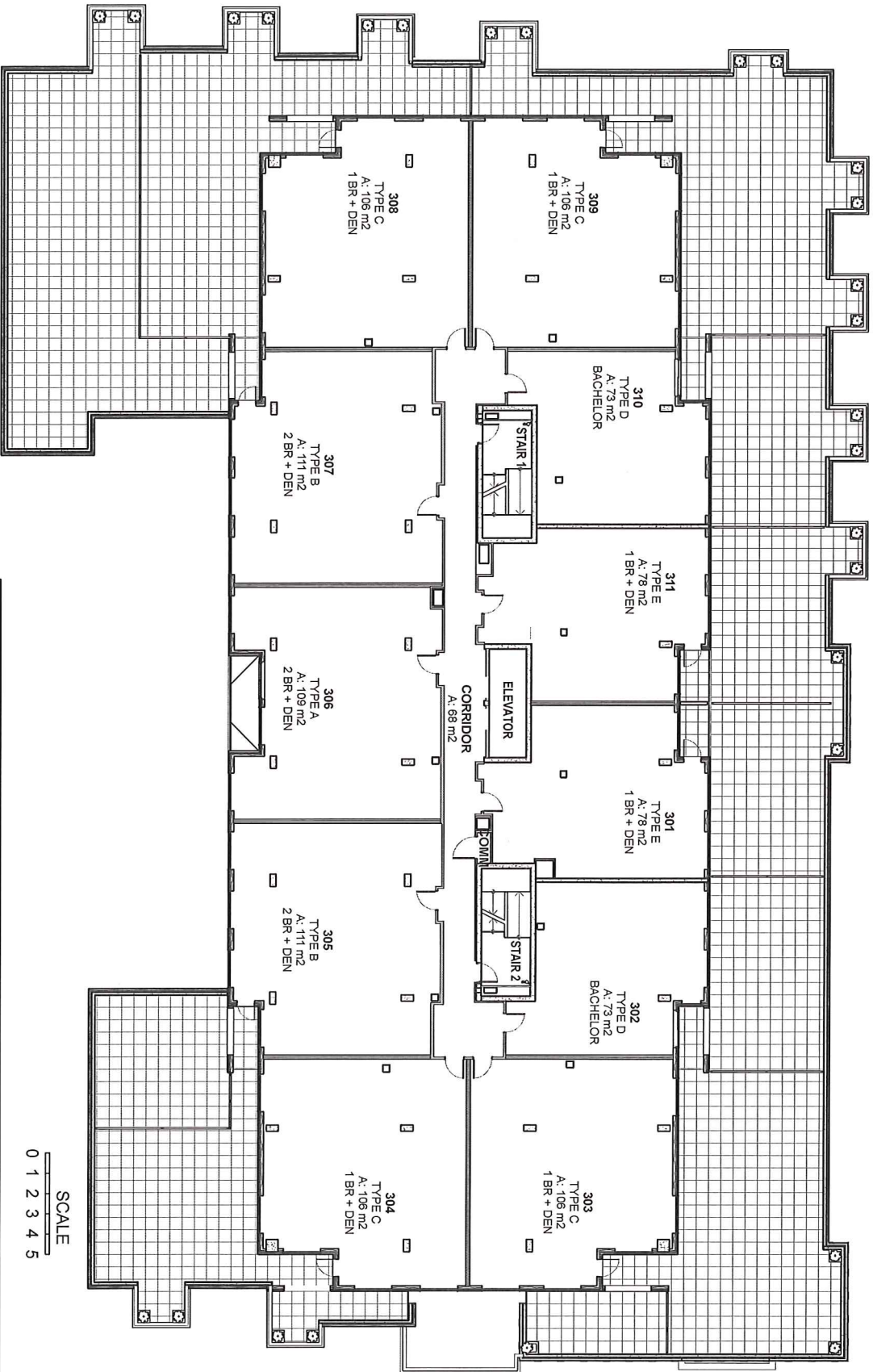
SCHEDULE F-1

Russell Street Elevation

**ST. JOSEPH'S SQUARE APARTMENTS**  
5450 KAYE ST. HALIFAX NOVA SCOTIA

**SCHEDULE G-1**





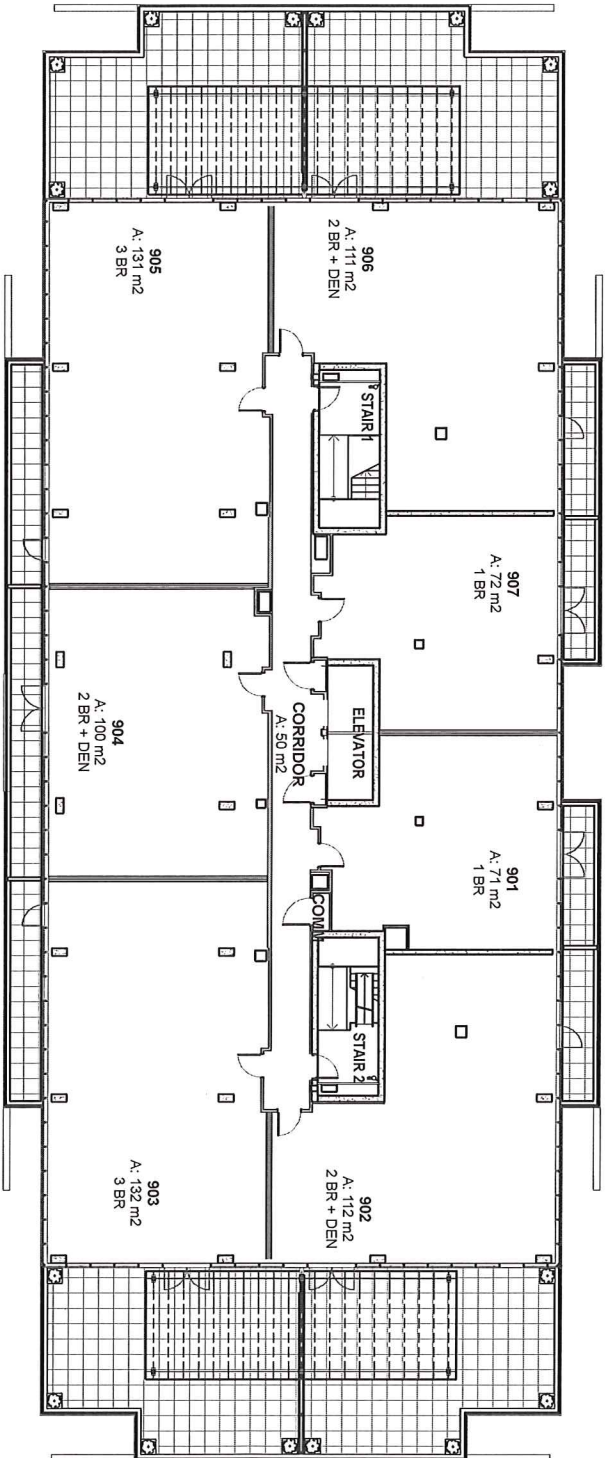
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	ASPHALT		PAVERS		PLANTING BED WITH SMALL TREES/SHRUBS		NEW TREE PLANTERS
	CONCRETE WALKWAY		PROPERTY LINE				

**ST. JOSEPH'S SQUARE APARTMENTS**

**SCHEDULE H-1**

5450 KAYE ST. HALIFAX NOVA SCOTIA

Plan - Third Floor Terraces



SCALE  
0 1 2 3 4 5

	GRAVEL		GRASS		BIKE RACK - 2 SPACES		NEW TREE WITH METAL GRATE
	ASPHALT		PAVERS		PLANTING BED WITH SMALL TREES/SHRUBS		NEW TREE PLANTERS
	CONCRETE WALKWAY		PROPERTY LINE				

ST. JOSEPH'S SQUARE APARTMENTS

5450 KAYE ST. HALIFAX NOVA SCOTIA

SCHEDULE I-1

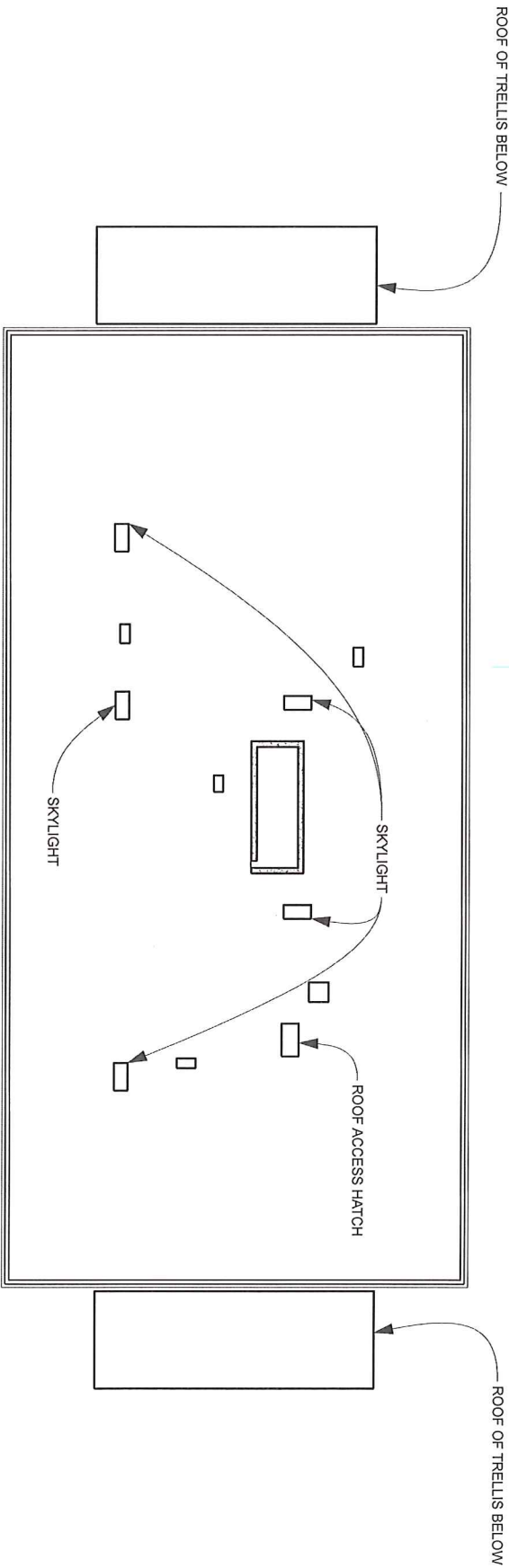
Plan - Ninth Floor Terraces

ST. JOSEPH'S SQUARE APARTMENTS

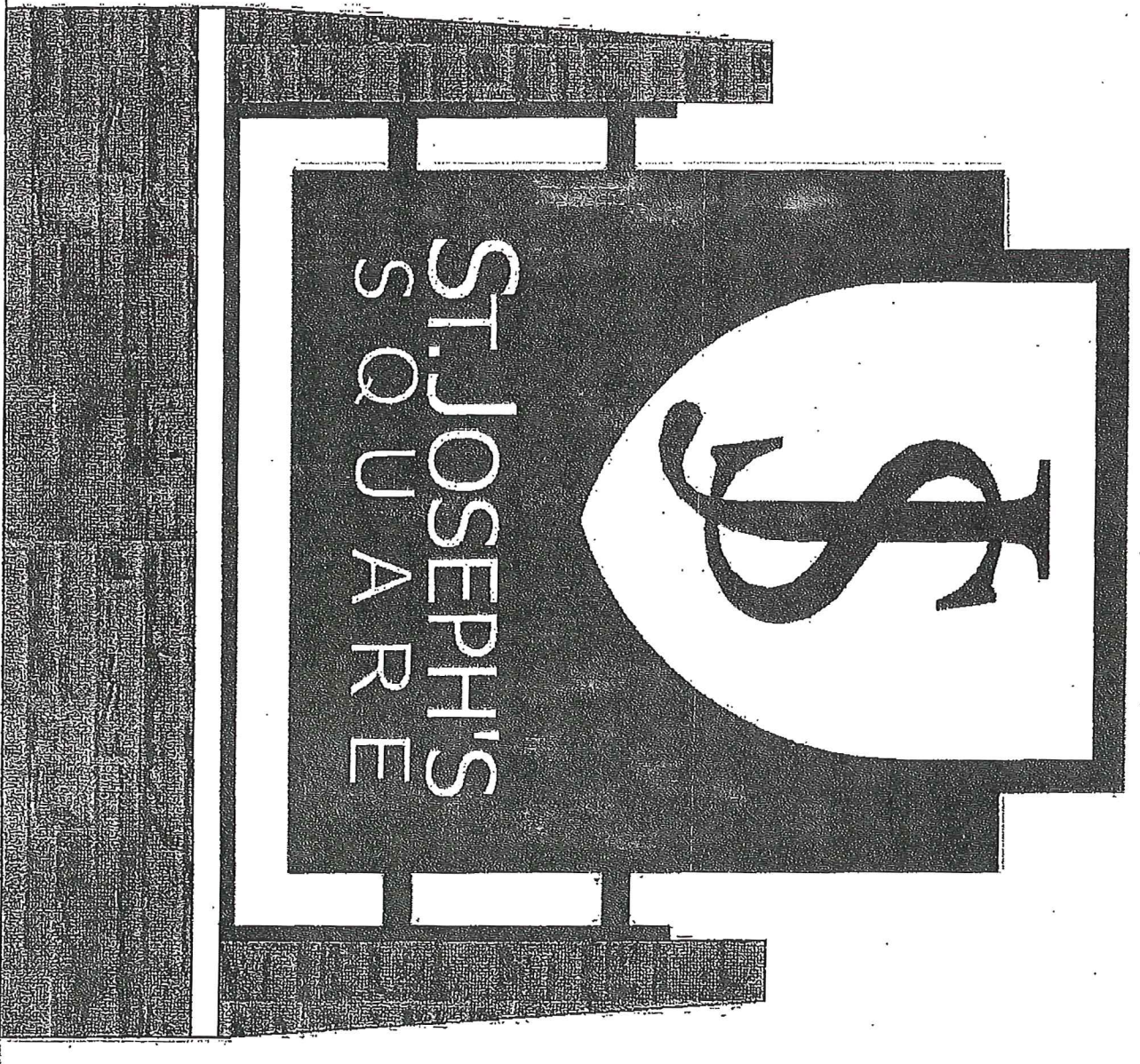
5450 KAYE ST. HALIFAX NOVA SCOTIA

SCHEDULE J-1

Plan - Roof







*St. Joseph's*  
HYDROSTONE LIVING  
SQUARE

 **DEXEL**  
ARCHITECTURE

ST. JOSEPH'S SQUARE APARTMENTS

5450 KAYE ST. HALIFAX NOVA SCOTIA

SCHEDULE K-1

Monument Sign