


HALIFAX

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

Item No. 8.1.3
Halifax and West Community Council
April 21, 2015
May 13, 2015

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

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

DATE: April 2, 2015

SUBJECT: Case 19050 – Development Agreement – 5881 and 5883 Spring Garden Road,
Halifax

ORIGIN

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

LEGISLATIVE AUTHORITY

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

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

RECOMMENDATION

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

1. Give Notice of Motion to consider the proposed development agreement, as contained in Attachment A of the March 4, 2015 staff report, to allow for a an addition to the ground floor commercial and second floor office portions of the existing 12 storey building at 5881 and 5883 Spring Garden Road, Halifax and schedule a public hearing;
2. Approve the proposed amending agreement contained in Attachment A of the March 4,, 2015 staff report; and
3. Require 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 of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at and end..

BACKGROUND

At the April 1, 2015 meeting of the Heritage Advisory Committee, staff presented the application by Westwood Developments Limited Canada Inc. to extend the ground floor commercial and second floor office portions of the existing 12 storey commercial building at 5881 and 5883 Spring Garden Road, Halifax.

DISCUSSION

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

FINANCIAL IMPLICATIONS

Financial Implications are addressed in the March 4, 2015 staff report.

COMMUNITY ENGAGEMENT

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

ENVIRONMENTAL IMPLICATIONS

None.

ALTERNATIVES

The Committee did not provide alternatives.

ATTACHMENTS

Attachment 1: Staff report dated March 4, 2015.

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

Report Prepared by: Sheilagh Edmonds, Legislative Assistant

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

Item No.
Heritage Advisory Committee
March 25, 2015

TO: Chair and Members of the Heritage Advisory Committee
Original Signed

SUBMITTED BY: _____
Bob Bjerke, Chief Planner & Director, Planning and Development

DATE: March 4, 2015

SUBJECT: **Case 19050 - Development Agreement Amendment – 5881 & 5883 Spring Garden Road, Halifax**

ORIGIN

Application by Westwood Developments Limited

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

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

1. Give Notice of Motion to consider the proposed amending development agreement, as contained in Attachment A of this report, to allow for an addition to the ground floor commercial and second floor office portions of the existing 12 storey building at 5881 and 5883 Spring Garden Road, Halifax and schedule a public hearing;
2. Approve the proposed amending development agreement contained in Attachment A of this report; and
3. Require 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 of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

BACKGROUND

An application has been submitted by Westwood Developments Limited to extend the ground floor commercial and second floor office portions of the existing 12 storey commercial building at 5881 and 5883 Spring Garden Road, Halifax (Maps 1, 2, and 3 and Attachment F). The proposal can be considered through a substantive amendment to the existing development agreement under the policies of the Halifax Municipal Planning Strategy (MPS) and the Regional Municipal Planning Strategy (RMPS).

Site Description and Surrounding Land Uses

The subject property is:

- located on the north-west corner of Spring Garden Road and Summer Street;
- comprised of a 12 storey mixed use building and a 3 storey commercial building, which are connected by a 3 storey atrium. The 12 storey building consists of ground floor commercial and second floor office space with 10 storeys of residential uses. There is a combination of underground and surface parking on the property; and
- is 3,601 square metres (38,759 sq. ft.) in area and has approximately 59.6 metres (195.59 ft.) of street frontage on Summer Street and 60.3 metres (197.92 ft.) on Spring Garden Road.

The surrounding area is characterized by a mixture of uses including houses, multiple unit dwellings, office buildings, restaurants, shops and other commercial uses that are primarily located along Spring Garden Road. The surrounding area also includes institutional uses such as Dalhousie University and Sacred Heart School, and important public spaces, such as Camp Hill Cemetery and the Public Gardens (Map 3). Map 3 also highlights the location and height of taller buildings in the surrounding area.

The Garden Crest Apartments, which abuts the subject property, is a provincially and municipally registered heritage property comprised of a 3 ½ storey heritage building which fronts Summer Street and an 11 storey apartment building in behind (Map 4). The area also includes several other municipally registered heritage properties as shown on Map 4.

Designation and Zoning

The subject property is:

- within the Peninsula Centre Detailed Area Plan (PCDAP), which forms part of the MPS;
- located in the Spring Garden Road Sub-Area of the PCDAP;
- designated Residential Commercial Mix and High Density Residential (Map 1);
- zoned R-3 (Multiple Unit Dwelling) by the Halifax Peninsula Land Use By-law (LUB) (Map 2);
- located within a height precinct of 13.7 metres (45 ft.) under the LUB (Map 5); and
- subject to a development agreement, and two amending development agreements.

Existing Development Agreement and Site History

A development agreement was approved in 1994 to allow for a comprehensive redevelopment of the subject property and the abutting Garden Crest Apartments property. This agreement allowed for:

- restoration and reconstruction of Garden Crest Apartments on Summer Street;
- an 11 storey apartment building on Summer Street (behind Garden Crest Apartments);
- a 3 storey commercial building at the corner of Summer Street and Spring Garden Road; and
- a 12 storey apartment building with ground floor commercial on Spring Garden Road.

This agreement was amended in 1999 to extend the time limits for the commencement and completion of construction, and in 2002 to allow for second floor office uses in the 12 storey building on Spring Garden Road. Development of the project was carried out in two phases, with a permit issued in May of 2002 for restoration and reconstruction of the Garden Crest Apartments and construction of the 11 storey apartment building. In June of 2003 a permit was issued for the second phase, which included the 3 storey commercial building and the 12 storey mixed use building. The 12 storey mixed use building, commonly known as Summer Crest, is the subject building (Map 3).

Enabling Policy

Although the maximum permitted as-of-right height under the LUB for the subject property is 13.7 metres (45 ft.), the PCDAP allows for proposals that are greater in height to be considered by development agreement. The MPS also allows for proposals not otherwise permitted by the land use designation and zone to be considered by development agreement on a heritage property. These are the mechanisms under which the current development was approved. Based on this, any subsequent change to the development, including the subject building, must proceed by amendment to the existing development agreement. The primary policies to consider in this case are Policy 8.1.2 of the PCDAP, Policy 3.11 of the MPS, and Policy CH-16 of the RMPS. In general terms, these policies, which are outlined in Attachments B and C of this report, address matters related to shadow impacts, compatibility, and heritage protection.

Proposal

The applicant wishes to extend the ground floor commercial and second floor office portions of the subject building approximately 6.1 metres (20 ft.) closer to the Spring Garden Road. The proposed extension is approximately 30.5 metres (100 ft.) wide and creates a 2 storey streetwall along Spring Garden Road. The building extension includes the following:

- 71.1 square metres (765 sq. ft.) of additional commercial space on the ground floor;
- 175 square metres (1883 sq. ft.) of additional office space on the second floor;
- a prominent entrance;
- canopies and accent lighting along the street frontage;
- landscape treatments along the street frontage;
- painted metal roof accents;
- a living green roof; and
- the use of glass, stone, and brick inlays.

Attachment A includes plans showing the proposal in greater detail.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and has determined that it is consistent with the MPS and RMPS. As such, a proposed amending development agreement has been prepared, which is included as Attachment A. Attachments B and C provide an evaluation of the proposed amending development agreement in relation to the relevant MPS and RMPS policies. The following outlines particular matters addressed in the proposed amending development agreement and highlights issues identified for more detailed discussion.

Amending Development Agreement

The proposed amending development agreement includes site-specific controls and specifications that address the following matters:

- *Building Design:* The height, mass, exterior design and materials of the building extension must conform to the drawings included in the proposed amending development agreement. These drawings call for a well-articulated building addition with emphasis on vertical rhythm, streetwall transparency, pedestrian protection (the use of canopies), high quality materials, accent lighting, landscape treatment, and a prominent entrance. By incorporating these design elements into the proposed building extension, the building and its streetwall will help to further animate the streetscape in this location; and
- *Signage:* Drawings included in the proposed amending development agreement limit signs to particular locations on the façade of the building extension facing the street. Further, signs may only be internally illuminated or backlit if the sign is constructed of individual letters. Signs not constructed of individual letters can only be surround lit. This approach allows commercial signage to be incorporated along the building's façade with little impact on the overall design of the streetwall.

Shadow Impact on Public Lands

Policy 8.1.2 of the PCDAP allows for the consideration of buildings in the Spring Garden Road Sub-Area that would exceed the height precinct by development agreement, subject to consideration of the shadow impact on the Public Gardens during the period of the year that the Public Gardens is open. Although the proposed 2 storey addition will not result in any overall increase in height for the existing building, the applicant's Architect has provided a Shadow Impact Assessment. This Assessment demonstrates the proposed building extension will have no shadow impact on the Public Gardens.

Compatibility with the Surrounding Neighbourhood

Implementation Policy 3.11 requires a review of the PCDAP when considering a development agreement in conjunction with Policy 8.1.2. One of the major policy considerations in the PCDAP is to ensure compatibility amongst neighbouring uses. Given the proposal is an addition to an existing structure containing residential uses, Policy 1.1.5 of the PCDAP provides relevant guidance. This policy directs infill developments, including additions to existing buildings, to be assessed in terms of land use; scale and height; population density; lot size, lot frontage, setback, lot coverage and open space; and service requirements (including parking). The assessment provided in Attachment B identifies the proposed amending development agreement is in keeping with these considerations.

Abutting Municipally Registered Heritage Property

The subject property abuts the municipally and provincially registered heritage property, the Garden Crest Apartments at 1544 Summer Street. It is registered on the basis of a 3 ½ storey residential building that was designed by Halifax architect George Henry Jost and constructed in 1898. It was originally developed to provide housing for low income residents. The property was registered as a municipal heritage property in 1986 as the building is representative of an Edwardian Resort style of architecture and is the only pre-WW1 building of its type between Spring Garden Road and Jubilee Road.

As previously discussed in this report, a comprehensive redevelopment of the Garden Crest Apartments property and the subject property was permitted through a development agreement and subsequent amendments.

As the subject property abuts the Garden Crest Apartments property, the proposed amending development agreement is subject to Policy CH-16 of the RMPS, which requires consideration be given to design solutions and architectural expressions that are compatible with the abutting heritage structure. Although the entire Garden Crest Apartments property is a registered heritage property, the 3 ½ storey original Garden Crest Apartments building is the heritage resource that is the subject of the registration.

Through the municipal heritage review of the proposal it was determined that the proposed building extension will not create any negative effect on the heritage property. The proposal is respectful to the other buildings on the site, including the heritage building, in terms of building scale, massing, proportions, profile and building character. The proposal incorporates fine-scaled architectural detailing and human-scaled building elements within the pedestrian realm. The proposed development will remove a small amount of existing landscaping along the street; however, due to its location on Spring Garden Road it will not affect the heritage property on Summer Street.

Districts 7 & 8 PAC

This application was presented to the Districts 7 & 8 Planning Advisory Committee (PAC) on April 15, 2014. Following their review, the PAC recommended approval of the proposal as presented. PAC's recommendations are sent to Halifax and West Community Council by means of a separate report.

Conclusion

The proposed amending development agreement will permit a building extension along Spring Garden Road that is compatible and appropriate with the neighbourhood and is in keeping with the objectives and policies of the MPS and RMPS. Staff recommends approval of the proposed amending development agreement (Attachment A).

FINANCIAL IMPLICATIONS

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a public information meeting held (PIM) on March 6, 2014. Attachment D contains a copy of the minutes from the meeting. Attachment E contains additional comments submitted by the public. Notices of the PIM were posted on the HRM website, in the newspaper and mailed to property owners within the notification area shown on Map 2.

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

The proposed amending development agreement will potentially impact the following stakeholders: local residents and property owners, businesses and institutions, and community or neighbourhood organizations.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed amending development agreement subject to modifications. This may necessitate further negotiation with the applicant a supplementary staff report and the need to hold a second public hearing. A decision of Council to approve the proposed 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 and/or RMPS. 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 and Notification Map
Map 3	Mid and High Rise Buildings
Map 4	Heritage Properties
Map 5	Height Precincts

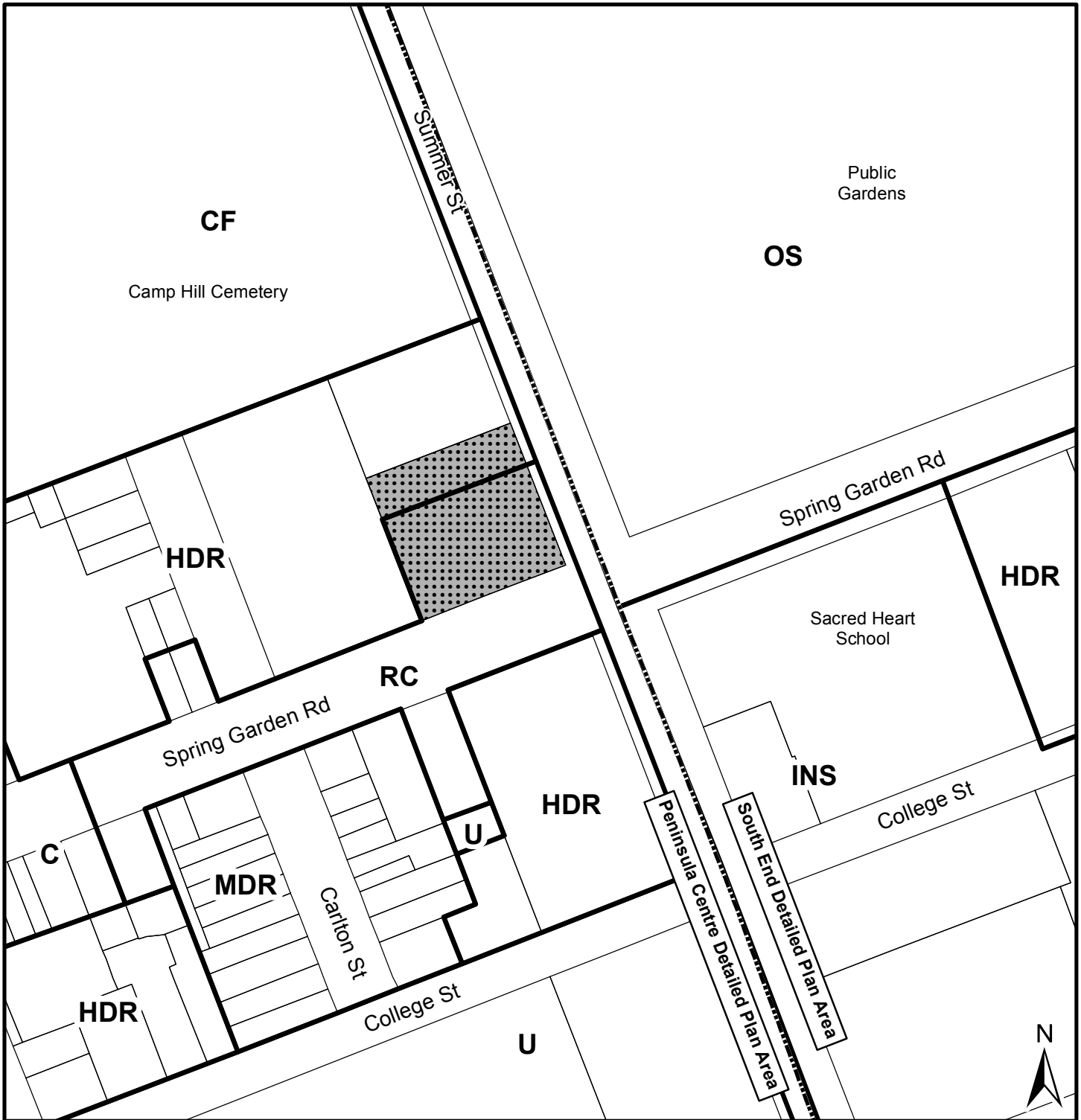
Attachment A	Proposed Amending Development Agreement
Attachment B	Review of Relevant Policies from the Halifax Municipal Planning Strategy
Attachment C	Review of Relevant Policies from the Regional Municipal Planning Strategy
Attachment D	Minutes from the Public Information Meeting
Attachment E	Additional Public Comments
Attachment F	Context Photographs

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

Report Prepared by: Miles Agar, LPP, Planner, Development Approvals, 902-490-4495

Original Signed

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



Map 1 - Generalized Future Land Use

5881-5883 Spring Garden Road
Halifax

 Subject Property

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

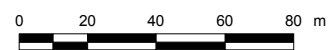
Designation - Peninsula Centre

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

Designation - South End

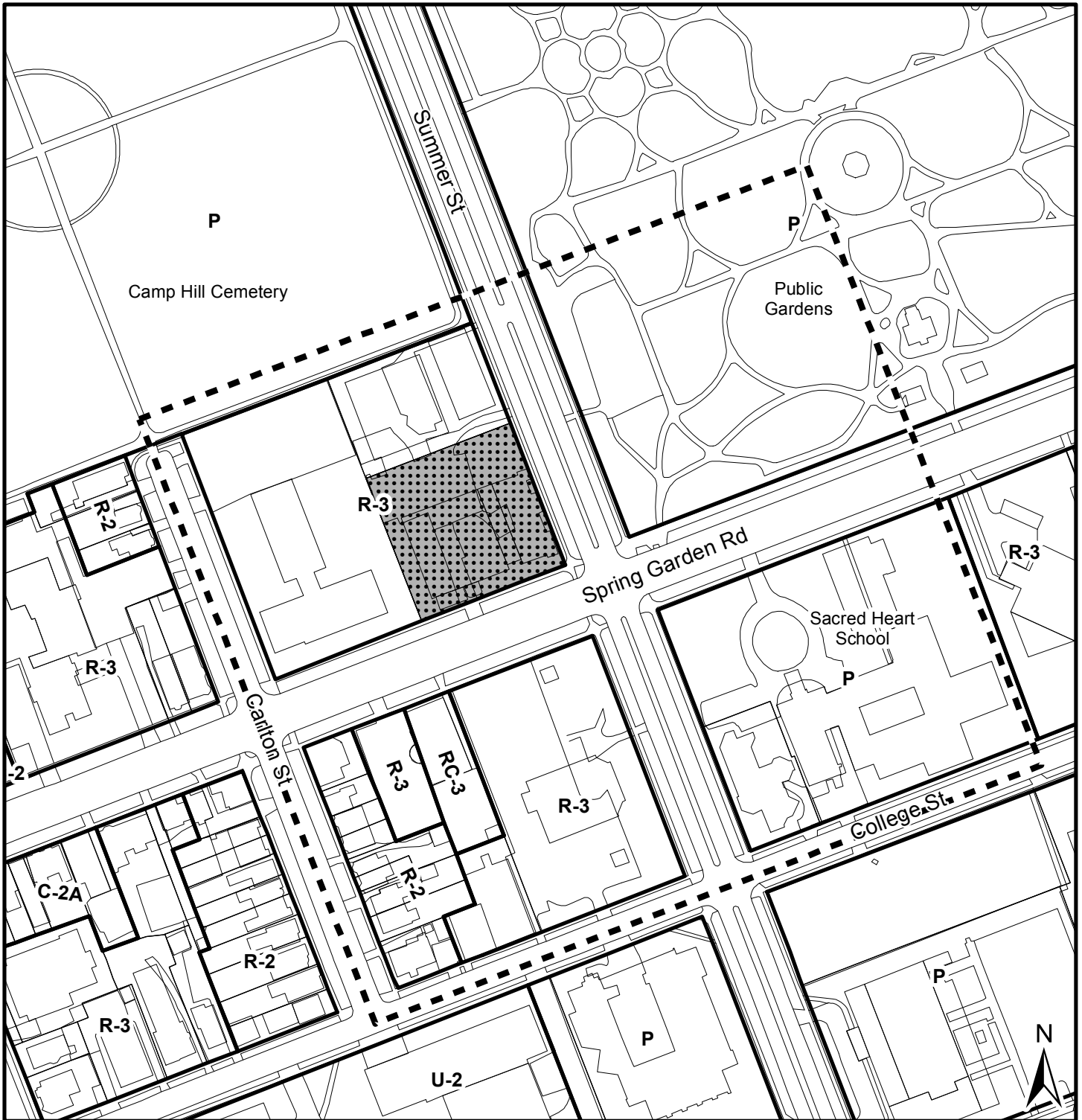
- HDR High Density Residential
- INS Institutional
- OS Open Space

HALIFAX



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

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




Map 2 - Zoning and Notification

5881-5883 Spring Garden Road
Halifax

HALIFAX

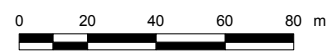
 Subject Property

 Area of notification

Halifax Peninsula
Land Use By-Law Area

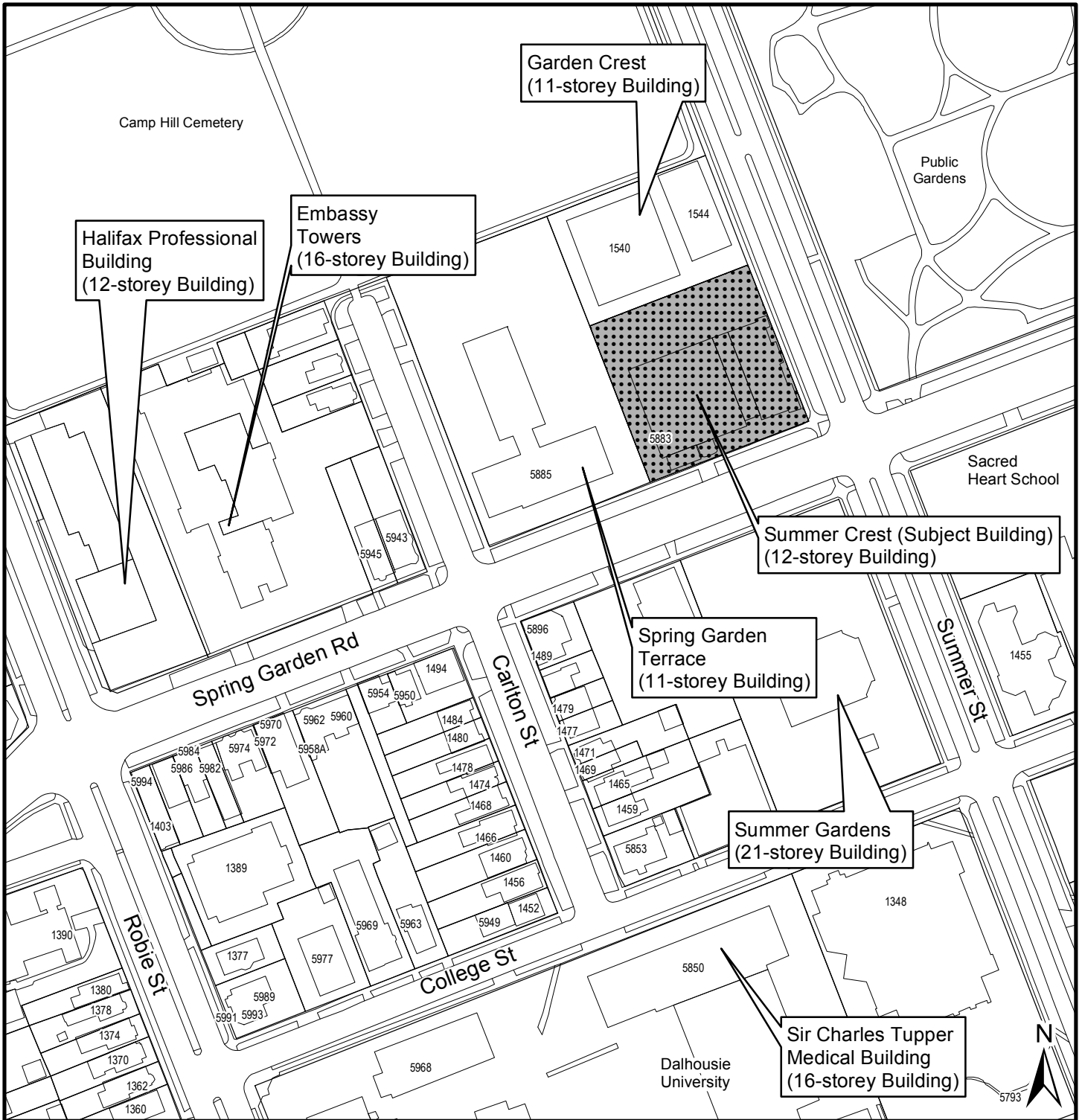
Zone

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



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

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



Map 3 - Mid and High Rise Buildings

5881-5883 Spring Garden Road
Halifax

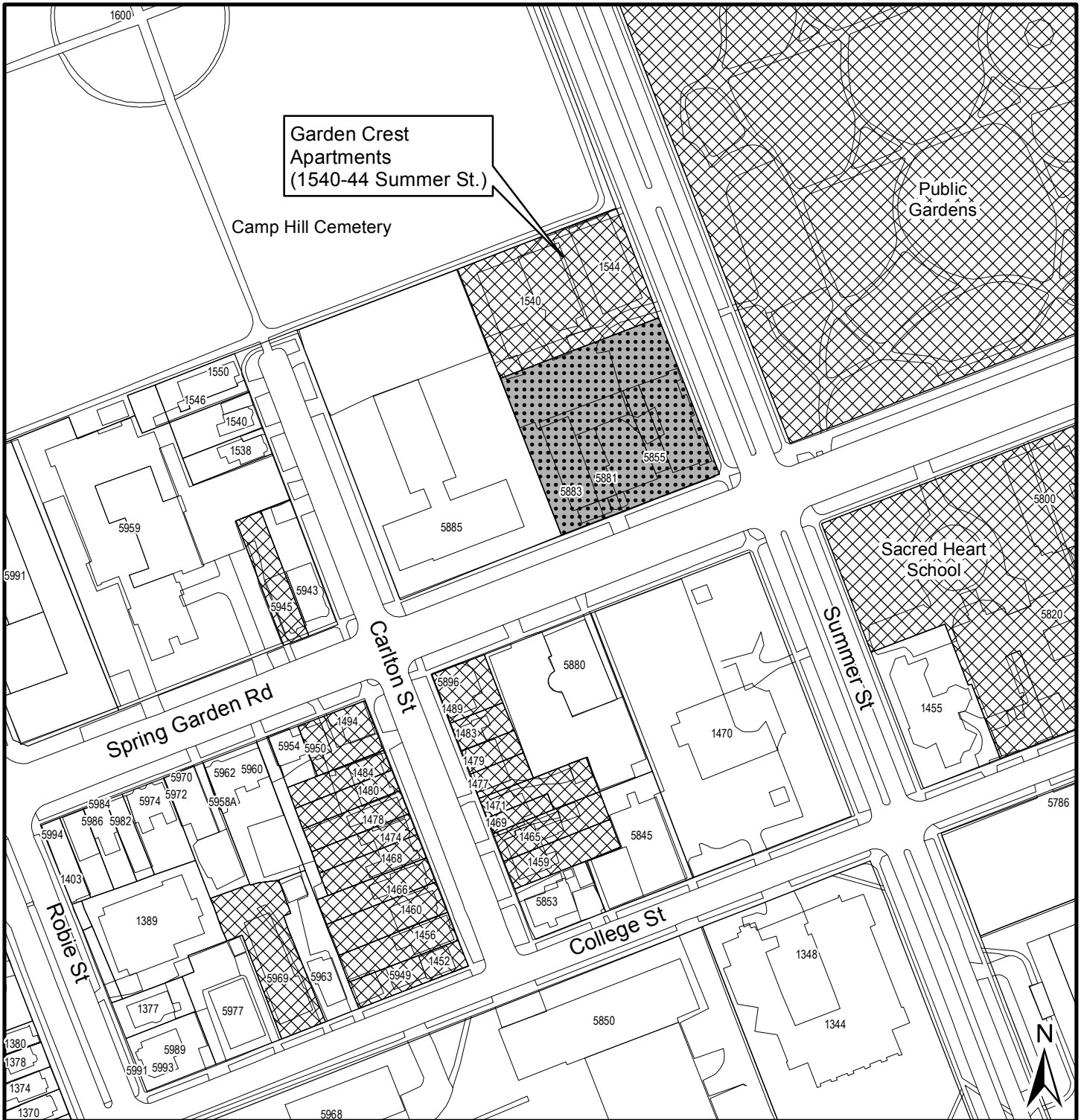
 Subject Property

HALIFAX



Halifax Peninsula
Land Use By-Law Area

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




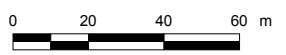
Map 4 - Heritage Properties

5881-5883 Spring Garden Road
Halifax

HALIFAX

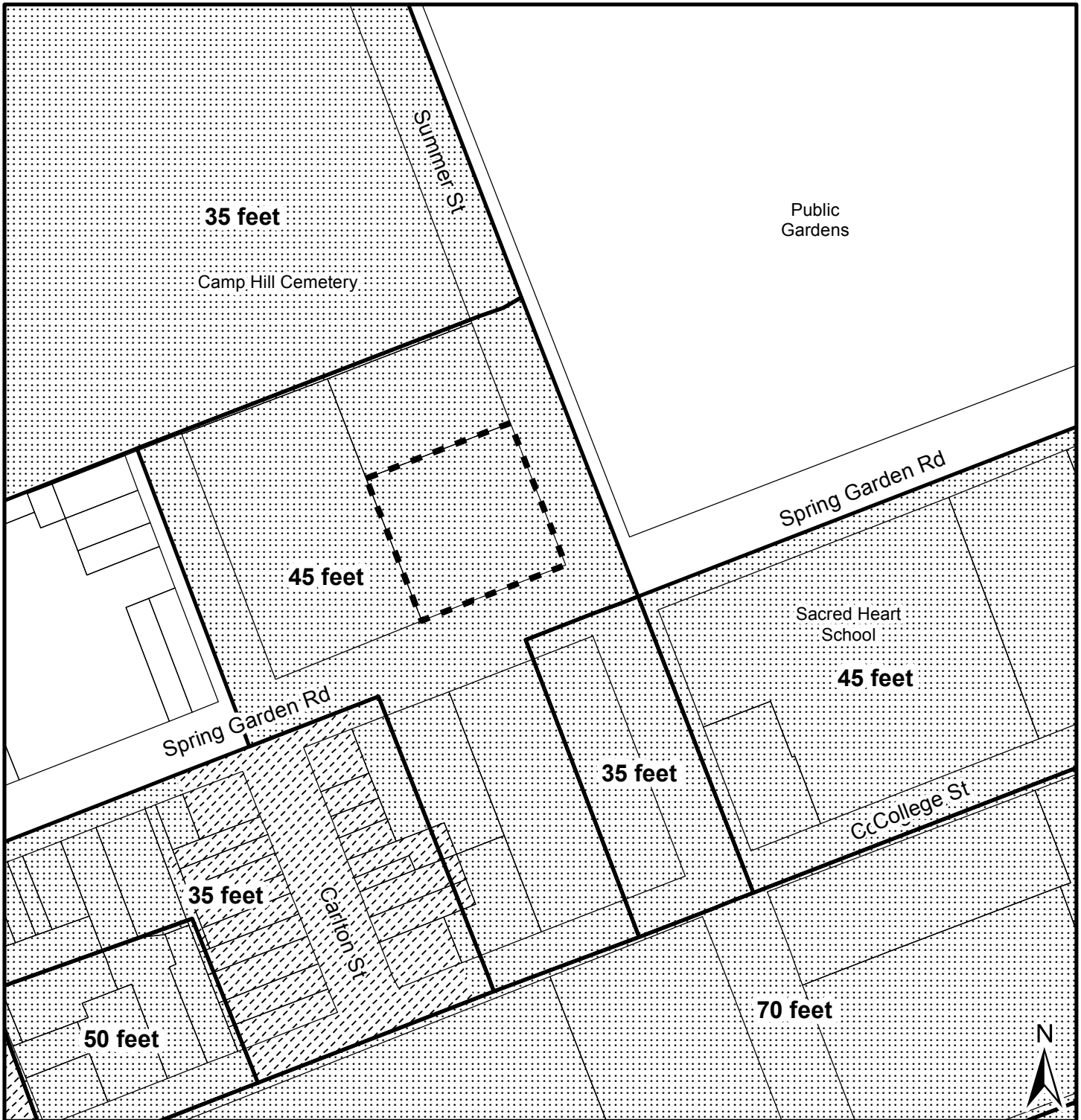
 Subject Property

 Municipally registered heritage property




Halifax Peninsula
Land Use By-Law Area

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





Map 5 - Height Precinct


5881-5883 Spring Garden Road
Halifax

 Subject Property

Halifax Peninsula
Land Use By-Law Area

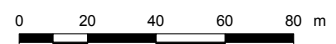
 Height measured to highest point of roof

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

 Height measured to commencement of top storey of building

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

HALIFAX



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

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

Attachment A
Proposed Amending Development Agreement

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

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 at 5881 and 5883 Spring Garden Road, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the former City of Halifax entered into a development agreement to allow for the restoration and reconstruction of 1538-48 Summer Street (Garden Crest Apartments), an eleven storey residential building set behind Garden Crest Apartments, a three storey commercial building at the northwest corner of the intersection of Spring Garden Road and Summer Street, and a twelve storey residential building with the first level for commercial use fronting onto Spring Garden Road (Municipal reference number 5621), which said development agreement was registered at the Halifax County Registry of Deeds on December 29, 1994 in Book 5668 at Pages 997 – 1003 (hereinafter called the "Existing Agreement");

AND WHEREAS the Municipality entered into an amending development agreement to extend the time limits for commencement and completion of construction (Municipal reference number 00064), which said amending development agreement was registered at the Halifax County Registry of Deeds on April 15, 1999 in Book 6368 at Pages 303 – 305 (hereinafter called the "First Amending Agreement");

AND WHEREAS the Municipality entered into an amending development agreement to enable a design change of the buildings and a change of use in the twelve storey residential building (Municipal reference number 00507), which said amending development agreement was registered at the Halifax County Registry of Deeds on March 25, 2003 in Book 7301 at Pages 434 – 446 (hereinafter called the "Second Amending Agreement");

AND WHEREAS the Developer has requested further amendments to the Existing Agreement and Amending Agreements to extend the ground floor and second floor commercial portions of the twelve storey building closer to Spring Garden Road, Halifax;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[INSERT-Date]**, referenced as Municipal Case Number 19050;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree that the Existing Agreement as amended be further amended as follows:

1. Add the following text immediately following Clause 12:

“13. ADDITION TO THE 12 STOREY BUILDING

- (a) Notwithstanding Clauses 1 to 12 inclusive, the ground floor and second floor commercial portions of the twelve storey building may be extended closer to Spring Garden Road. The height, massing, exterior design and materials of the extended portion of the twelve storey building shall conform with Schedules B, C, D, and E of this Agreement.
- (b) Landscaping pavers and planters shall be provided between the building and Spring Garden Road as shown on Schedule F of this Agreement. The building rooftop shall be landscaped as generally shown on Schedule G of this Agreement.
- (c) Prior to the issuance of a Building Permit, the Developer shall provide a Landscape Plan which complies with the landscaping provisions of this clause and conforms with the overall intentions of the landscaped areas shown on Schedules F and G of this Agreement. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all landscaping provisions of this clause.
- (d) All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- (e) The Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the landscaping terms of this clause.
- (f) Planting on rooftops and podiums above structures shall be carefully selected for their ability to survive in rooftop environments. It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping as well as the anticipated mature weight of the plant material on any rooftop and podium.
- (g) Signage shall be limited to the following:
 - (i) Fascia signage shall be limited to the metal signage band areas shown on Schedule C;
 - (ii) Fascia signs constructed of individual letters may be internally illuminated or backlit; and
 - (iii) Fascia signs not constructed of individual letters shall not be internally illuminated or backlit but may be surround lit.
- (h) The building shall be illuminated as shown on Schedules C, D, and E of this Agreement. Lighting required pursuant to this clause shall be directed away from adjacent lots and buildings and shall use a full cut-off design. Lighting required pursuant to this clause shall be shown on the site plan and building drawings prior to the issuance of a Building Permit.
- (i) Any additional outdoor lighting shall be directed to driveways, parking areas, loading areas and building entrances and shall be arranged so as to direct the light away from streets, adjacent lots and buildings.

- (j) All vents, down spouts, electrical conduits, meters, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- (k) All mechanical equipment, including rooftop mechanical, exhausts, propane tanks, electrical transformers, and other utilitarian features shall be visually concealed from abutting properties, including municipal rights-of-way, and shall include noise reduction measures.”

3. Add the following Schedules for the purposes of Clause 13:

- “Schedule B : Site Plan
- Schedule C: South Elevation
- Schedule D: West Elevation
- Schedule E: East Elevation
- Schedule F: Streetwall Landscaping
- Schedule G: Roof Landscaping”

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

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

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

HALIFAX REGIONAL MUNICIPALITY

Witness

Per: _____

MAYOR

Witness

Per: _____

MUNICIPAL CLERK

Attachment B
Review of Relevant Policies from the Halifax Municipal Planning Strategy

Policy Criteria	Staff Review
SECTION VI PENINSULA CENTRE DETAILED AREA PLAN	
1. RESIDENTIAL ENVIRONMENTS	
1.1.2 For the purposes of this Plan, a single definition of infill housing shall not be employed. The diverse physical and social elements of residential areas should be respected through the selective application of several forms of compatible infill housing.	See below.
1.1.3 The forms of infill housing permitted in Peninsula Centre shall include: (a) interior conversion; (b) additions to existing structures; (c) filling-in-between existing buildings; and (d) building on vacant lots.	The proposed amending development agreement allows for an addition to an existing structure containing residential uses.
1.1.4 For the purposes of this Plan, the concept of compatibility shall be deemed to require that infill housing projects are compatible with and enhance the existing development context of a neighbourhood. The City shall use as a guideline in considering rezonings, zoning amendments or contract agreements the key principle of not significantly changing the character of an area when reviewing infill housing proposals.	The majority of the surrounding uses are high-rise residential and commercial buildings. The proposed amending development agreement requires a well-articulated building addition with emphasis on vertical rhythm, streetwall transparency, pedestrian protection (the use of canopies), high quality materials, accent lighting, landscape treatment, and a prominent entrance. By incorporating these design elements into the proposed building extension, the building and its streetwall will help to further animate the streetscape in this location.
1.1.5 Without limiting the generality of Policy 1.1.4 above, the City shall, in reviewing proposals for compatibility with the surrounding area, have regard for the relationship of the proposal to the area in terms of the following: (a) land use; (b) scale and height; (c) population density; (d) lot size, lot frontage, setback, lot coverage and open space; and (e) service requirements, including parking.	<i>(a) Land Use</i> No new land uses are proposed. The proposed amending development agreement allows for the existing ground floor commercial and second floor office uses to be extended closer to Spring Garden Road. <i>(b) Scale and Height</i> No new height is proposed. The proposed amending development agreement allows the scale of the building to be extended closer to Spring Garden Road, but only for the first two storeys. This approach creates a streetwall along Spring Garden Road, while the building's design will help to further animate the streetscape in this location. <i>(c) Population Density</i> No new residential density is proposed.

	<p><i>(d) Lot Size, Lot Frontage, Setback, Lot Coverage and Open Space</i> The subject property is an existing parcel that complies with the requirements of the LUB in respect to lot area and frontage. As no new residential is proposed, no additional open space (residential amenity space) is proposed.</p> <p><i>(e) Service Requirements, Including Parking</i> The additional commercial and office space represent a minor increase; however, it remains prudent to address the adequacy of services and parking to support the proposed increase. With respect to sewer and water services, the applicant has identified the proposed building extension will not create additional demand. Further, a traffic impact statement was provided, which indicates the proposal will not have any potential significant impacts to the existing transportation network around the Spring Garden Road and Summer Street intersection. With respect to parking, the applicant has identified there is available parking for additional vehicles in the building's existing underground parking structure.</p>
<p>8. SUB-AREA POLICIES</p>	
<p>8.1 SPRING GARDEN ROAD SUB-AREA</p>	
<p>8.1.2 The City shall consider an application under the provisions of Section 33(2)(b) of the Planning Act for a development in the Spring Garden Road Sub-Area north of Spring Garden Road which would exceed the height precinct so established through Policy 8.1.1 above, and, in so doing, the City shall require that any proposed development not cast a significant amount of shadow on the Public Gardens during that period of the year during which the Public Gardens is open to the public.</p>	<p>Although the proposed 2 storey addition will not result in any overall increase in height for the existing building, the applicant's Architect has provided a Shadow Impact Assessment. This Assessment demonstrates the proposed building extension will have no shadow impact on the Public Gardens.</p>
<p>IMPLEMENTATION POLICIES</p>	
<p>3.11 Further to Policies 1.8, 1.12, 6.1.1, 8.1.2, 8.1.3, 8.1.4, and 8.3.3 respectively in Section VI of this Plan, the City may, under the development agreement provisions of the Planning Act, issue a development permit for a development which would not otherwise meet the provisions of the Land Use By-law.</p>	<p>The proposed amending development agreement is subject to Policy 8.1.2 in Section VI of the Plan (see above).</p>
<p>3.11.1 In entering agreements pursuant to Policy 3.11, Council shall be guided by the policies contained in Section VI of this Plan, and shall not enter into agreements which are inconsistent with those policies of this Plan.</p>	<p>See above for review in relation to policies contained in Section VI (Peninsula Centre Detailed Area Plan) of the Plan.</p>

<p>SECTION II – CITY WIDE OBJECTIVES AND POLICIES</p>	
<p>8. ENVIRONMENT</p> <p>8.6 The City should make every effort to ensure that developments do not create adverse wind and shadow effects. The means by which this policy shall be implemented shall be considered as part of the study called for in Part III.</p>	<p>See above for review in relation to shadow effects.</p> <p>As part of this application, the project Architect identified that ground level wind velocities will not be affected by the two storey addition, and if anything, will reduce the possibility of the higher structure funnelling high wind velocities down to street level.</p>

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

Policy Criteria	Staff Review
7.4 DEVELOPMENT ABUTTING REGISTERED HERITAGE PROPERTIES	
<p>The Halifax Secondary Planning Strategy contains criteria requiring that the architecture of new development in the immediate environs of heritage properties be sensitive and complementary to the heritage properties. While this criterion applies only within the Halifax Plan Area, the development of properties which abut federally, provincially or municipally registered heritage properties in all areas of HRM also warrants consideration. In accordance with Policy RC-3 HRM will prepare a Regional Centre Urban Design Study that will be coordinated with the Culture and Heritage Priorities Plan (Policy CH-3). Once completed this plan will, among other things, address and clarify issues surrounding heritage protection and new development.</p>	
<p>In the interim, Policy CH-16 will provide guidance for development abutting heritage properties. The intent is to support innovative design solutions, with emphasis on heritage integration, that incorporate architecture, place-making, and material selection of the highest quality that are appropriate in relation to their abutting neighbours.</p>	
<p>CH-16 For lands abutting federally, provincially or municipally registered heritage properties, HRM shall, when reviewing applications for development agreements, rezonings and amendments pursuant to secondary planning strategies, or when reviewing the provision of utilities for said lands, consider a range of design solutions and architectural expressions that are compatible with the abutting federally, provincially or municipally registered heritage properties by considering the following:</p>	
<p>(a) the careful use of materials, colour, proportion, and the rhythm established by surface and structural elements should reinforce those same aspects of the existing buildings;</p>	<p>As discussed in the report, a comprehensive redevelopment of the Garden Crest Apartments property (the municipally and provincially registered heritage property) and the subject property was permitted through a development agreement and subsequent amendments.</p> <p>Although the entire Garden Crest Apartments property is a registered heritage property, the 3 ½ storey original Garden Crest Apartments building is the heritage resource that is the subject of the registration.</p> <p>Through the municipal heritage review of the proposal it was determined that the proposed building extension will not create any negative effect on the heritage property. The proposal is respectful to the other buildings on the site, including the heritage building, in terms of building scale, massing, proportions, profile and building character. The proposal incorporates fine-scaled architectural detailing and human-scaled building elements within the pedestrian realm. The proposed development will remove a small amount of existing landscaping along the street; however, due to its location on Spring Garden Road it will not affect the heritage property on Summer Street.</p>

<p>(b) ensuring that new development is visually compatible with yet distinguishable from the abutting registered heritage property. To accomplish this, an appropriate balance must be struck between mere imitation of the abutting building and pointed contrast, thus complementing the abutting registered heritage property in a manner that respects its heritage value;</p>	<p>See above.</p>
<p>(c) ensuring that new developments respect the building scale, massing, proportions, profile and building character of abutting federally, provincially or municipally registered heritage structures by ensuring that they:</p> <p>(i) incorporate fine-scaled architectural detailing and human-scaled building elements.</p> <p>(ii) reinforce, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage properties; and</p> <p>(iii) any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm and abutting registered heritage properties by incorporating design solutions, such as stepbacks from the street wall and abutting registered heritage properties, modulation of building massing, and other methods of massing articulation using horizontal or vertical recesses or projections, datum lines, and changes in material, texture or colour to help reduce its apparent scale;</p>	<p>See above.</p>
<p>(d) the siting of new developments such that their footprints respect the existing development pattern by:</p> <p>(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</p> <p>(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;</p>	<p>See above.</p>
<p>(e) not unreasonably creating shadowing effects on public spaces and heritage resources;</p>	<p>The shadow analysis completed for the proposal demonstrates there will be no shadowing effect on the abutting heritage resource (Garden Crest Apartments).</p>
<p>(f) complementing historic fabric and open space qualities of the existing streetscape;</p>	<p>See above.</p>
<p>(g) minimizing the loss of landscaped open space;</p>	<p>See above.</p>

(h) ensuring that parking facilities (surface lots, residential garages, stand-alone parking and parking components as part of larger developments) are compatible with abutting federally, provincially or municipally registered heritage structures;	No new parking is proposed.
(i) placing utility equipment and devices such as metering equipment, transformer boxes, power lines, and conduit equipment boxes in locations which do not detract from the visual building character or architectural integrity of the heritage resource;	All utility equipment must be incorporated into the design of the building addition.
(j) having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and	See above.
(k) any applicable matter as set out in Policy G-14 of this Plan.	N/A

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

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

Attachment D
Minutes from the Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case No. 19050

Thursday, March 6, 2014
7:00 p.m.

Dalhousie – Sir James Dunn Building, Room 117

STAFF IN

ATTENDANCE: Miles Agar, Planner, HRM Planning Applications
Alden Thurston, Planning Technician, HRM Planning Applications

ALSO IN

ATTENDANCE: Danny Chedrawe, Westwood Developments

REGRETS: Councillor Waye Mason, District 7

PUBLIC IN

ATTENDANCE: Approximately 7

The meeting commenced at approximately 7:02 pm.

1. Call to order, purpose of meeting – Miles Agar

This Public Information Meeting (PIM) relates to a planning application for a proposed building addition at 5881 and 5883 Spring Garden Road in Halifax.

The purpose of the PIM is to identify the scope/background of the application and gain feedback on any issues and concerns/comments from the public. No decisions are made at the PIM.

Westwood Developments Limited has requested an amendment to the existing development agreement for 5881/5883 Spring Garden Road by extending the ground floor and second floor commercial portions of the existing twelve storey building closer to Spring Garden Road.

An aerial view of the property was shown.

The site falls within the Halifax Plan Area and the Peninsula Centre Secondary Plan and more specifically, the Spring Garden Road Sub-Area. The property is designated Residential Commercial Mix and is subject to a development agreement.

Mr. Agar explained the purpose of a development agreement and explained that the existing development agreement allows for the existing twelve storey building. Mr. Agar emphasized that the proposal relates only to the first two floors of the existing twelve storey building facing Spring Garden Road and does not include any proposed changes to any other building elements that are currently onsite. Mr. Agar also advised the existing development agreement allows for first floor commercial and second floor office space in the twelve storey building. There is also a provision in the development agreement for an atrium associated with the restaurant.

2. Overview of planning process – Miles Agar

The process is as follows: a PIM is held; a detailed review is done with internal/external agencies and applicable committees; staff drafts an amendment to the development agreement and proposes it in the form of a staff report; Halifax and West Community Council (HWCC) would be required to hold a public hearing; and the decision would then be subject to a 14-day appeal period through the Nova Scotia Utility

and Review Board (NSUARB).

3. Presentation of Proposal – Danny Chedrawe, Westwood Developments Limited

Westwood Developments owns and manages the building at 5881/5883 Spring Garden Road. This development was implemented by the City of Halifax back in the late 1980s/early 1990s. Westwood Developments Limited purchased the property with the approved existing development agreement from the 1980s. The developer would like to change the side of the building along Spring Garden Road by an addition that would bring it closer to Spring Garden Road and give it more of an urban feel by using natural materials to increase the beautification of the streetscape.

The existing development houses 74 apartment units and 30,000 square feet of commercial. Tenants include RBC Bank, Sage Restaurant and the IWK Foundation. The proposed addition is two storeys (natural stone), approximately 100 feet long along Spring Garden Road, 20 feet deep and 24 feet high. The natural stone will be in keeping with the historic buildings throughout Downtown Halifax and keep a somewhat modern flair by having more glass. A canopy has been added along Spring Garden Road to shelter pedestrians from the elements. A detailed lighting package will be added to accent the material elements that are being added to the building. The roof on the second floor addition is proposed to be green. This will be enjoyed by the residents above and help reduce noise from the street. The total addition would add 2,800 square feet of additional commercial space and 2,000 square feet on the second floor. The Sage Restaurant would remain the same size. The entrance to the residential lobby will remain in the same location but will increase in size in order to bring the entrance doors out closer to the street. The additional retail would be where the existing ATM is located and would be approximately 800 square feet. Discussions between the developer and RBC have taken place to bring the ATM machines closer to the street to provide a safer environment as it is more visible. The developer is proposing to recess the corner at the RBC entrance to allow a 45 degree angle; therefore, giving better visibility to the street. The sidewalk width will remain the same and may even increase slightly. Parking will remain the same.

4. Questions and Comments

Dr. Christopher Hawkins, Edward Street – He is concerned about the infringement on the sidewalk as he feels it will alter the whole character of the street from Summer Street to Robie Street. This will also take away from the public space. Other buildings are setback from Robie Street. This seems to be closer to the street than the original buildings. Also, it looks like the canopy is going to hang over the sidewalk. Mr. Agar believes the building is setback a few feet from the property line; therefore, the canopies would come up to the property line. Mr. Chedrawe explained that the design is more in keeping with the HRMbyDesign guidelines that want entrances closer to the street and provide pedestrians with shelter from the weather. The canopies would be glass; therefore, not reducing the view. The proposal is to enhance the streetscape not take away from it. The thought of the addition being two storeys, 24 feet high, would bring the building to a human scale along the street then stepback.

Tom Emodi, Architect with an office in the building across the street –In terms of urban design, he believes this is a great improvement to the street as there is a series of small pockets that aren't being used by the public (examples of areas along the street were given). The idea of bringing buildings to the street, allowing transparency with the big windows and bringing more commercial/ retail activity right to the street is a more urban design which is keeping within the HRMbyDesign guidelines. He believes this makes the street more consistent and lively.

Steven Beaufoy, Summer Street – He likes the proposal, in particular the angle of the driveway. He would like to see the garbage that accumulates from the Sage Restaurant to be kept inside the building as opposed to out back. Mr. Chedrawe explained that, if approval was given, it would be a good time to fit the building with natural gas. By doing that, the propane tanks in the alleyway would be removed and at the same time give the ability to build an inside garbage area. This also gives the developer the ability to shift the driveway slightly to the west and create more of a buffer zone between the driveway and the actual building along the west façade. These are things that are not part of the development agreement but would be done as part of the enhancement.

Thomas Spracklin, Spring Garden Road – He is quite happy with the current view as he walks by and doesn't want the intrusion on the sidewalk. Is this all for the improvement of the building's appearance and no financial gain? Mr. Chedrawe said that it is more the enhancement and improvement along the streetscape. The developer feels the front of the building should be in keeping with today's design and style. He doesn't want something that is going to take away from the character of the neighbourhood. This addition would eliminate wind and garbage collecting in the alcoves along the front of the building. Also, on windy days there would be less wind on the sidewalks as the two storey bump-out would redirect it. Mr. Spracklin congratulated Mr. Chedrawe on the building that exists and personally thinks that an addition is unnecessary.

Mr. Hawkins – This will set precedents and be used as an example and justification for future proposals. This is a great idea but it is too close to the street.

Elizabeth Craig, Spring Garden Terrace – Every building that goes up is constructed closer to the street. She wondered if there will be any landscaping along the street. Mr. Chedrawe explained that there is no ability to add landscaping because the access to the ATM machines and night deposit box are hard surfaces. A planter exists there now. No landscaping will be removed due to the addition. In fact, if the developer goes ahead with the natural gas, landscaping will be placed along the building where the propane tanks currently sit. Ms. Craig mentioned that a little garden at the front of the building would be nice. Mr. Chedrawe asked if landscaping in front would be something the public would entertain to which Mr. Hawkins agreed.

Lorraine Spracklin, Spring Garden Road –Is there not a nice garden now in front of the apartment building section? Mr. Chedrawe mentioned that this project was completed in 2004. Since then, there has been a lot of development in the neighbourhood. He wouldn't propose an addition that would take away landscaping. He agrees that landscaping plays an important role in any building/property and he would add landscaping if the ability was there.

One resident asked if the landscaping on the roof will be visible from the street. Mr. Chedrawe said the green roof has not been developed yet. It will be up to the landscape architect. If this project moves forward, a landscape architect will be engaged to design a green roof concept.

5. Closing Comments

Mr. Agar thanked everyone for coming and expressing their comments.

6. Adjournment

The meeting adjourned at approximately 7:50 p.m.

Attachment E
Additional Public Comments

Hello,

Case 19050
5881-5883 Spring Garden Road, Halifax

Having missed the original public meeting, I want to take a moment to express concerns about this proposal.

Looks- and city-form-wise, this seems great. The extension of a podium will help break up wind patterns, provide a street edge, and so on.

However, the existing condition of the restaurant that spills onto the sidewalk every summer is not appropriate as a precedent. Unlike other sidewalk cafes around the city that replace 'borrowed' space with an extension of the pedestrian space, this restaurant simply claims public space as its own.

With the revised building line as proposed, I imagine we will have the conditions to more than double this 'borrowing' of public space for private gain.

Rather, the building could withdraw its ground floor plate by the depth required to provide outdoor space. This would provide users with shade in the summer, protection from rain, alternate restaurant entrances in winter, etc. The upper floors could retain the current sizing, and the sidewalk would be unimpeded both winter and summer (which is when it is most needed at the current width).

Thank you,
Brian Mombourquette
