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Item No.
Heritage Advisory Committee
January 28, 2016

TO: Chair and Members of the Heritage Advisory Committee

SUBMITTED BY: Original Signed

Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: November 12, 2015

SUBJECT: **Case 20174: Development agreement amendment – northwest corner of Ochterloney Street and Victoria Road, Dartmouth**

ORIGIN

Application by Boris Holdings Incorporated.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that Harbour East-Marine Drive Community Council:

1. Give notice of motion to consider the proposed amending development agreement, as contained in Attachment A of this report, to permit design changes to the development located on the northwest corner of Ochterloney Street and Victoria Road in Dartmouth and to schedule a public hearing; and
2. Approve the proposed amending development agreement for the development located on the northwest corner of Ochterloney Street and Victoria Road in Dartmouth, as contained in Attachment A of this report; and
3. Require the 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, which is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Boris Holdings Incorporated is applying for a substantive amendment to the existing development agreement that permits a mixed use (residential and commercial) development located at the corner of Ochterloney Street and Victoria Road, Dartmouth. The applicant wishes to revise the design of the building, which is located beside and behind a municipally registered heritage property.

Subject Site

Location	The site is located at the northwest corner of Ochterloney Street and Victoria Road (99/101/103/105/107 Ochterloney Street)
Area	Approximately 0.17 hectares (0.42 acres)
Regional Plan Designation	Urban Settlement
Community Plan Designation	Downtown Business under the Downtown Dartmouth MPS – see Map 1
Zoning	Downtown Business District (DB) – see Map 2
Current Use	Vacant, existing municipally registered heritage property
Surrounding Uses	Low and medium density residential uses; Institutional uses

Project History

On November 14th, 2013, the Harbour East – Marine Drive Community Council approved the development agreement for the subject site permitting the development of a 7 storey building containing up to 52 residential units and possible ground floor commercial space. The approved development agreement also requires the preservation of the municipal heritage property located at 99 Ochterloney Street. For more information, please see the associated staff report at the following link.

www.halifax.ca/Commcoun/east/documents/7.1.1iiHACtoHEMDCCDAOchterloneyVictoriaandstaffrpt.pdf

On November 18th, 2014, Regional Council approved the deregistration of the rear portion of the site (lot BH-2) containing the municipally registered heritage property located at 99 Ochterloney Street. For more information, please see the associated staff report at the following link.

<http://www.halifax.ca/boardscom/hac/documents/HAC140924Item711HenryElliott.PDF>

In 2014, as part of the 2014 Regional Plan review and re-adoption, Regional Council re-numbered the heritage policy concerning development located adjacent to registered heritage properties from CH-2 to CH-16. While some wording changes were made, the overall content and intent of these policies have not changed.

Existing Municipal Heritage Property

The property located at 99 Ochterloney Street (Map 1) is known as Henry Elliot House, which was built in 1875. The former City of Dartmouth registered the property as a municipal heritage property in 1982. The property is of significance because of the prominence of Henry Elliot as a local architect, and because of key character-defining elements of the building including:

- asymmetrical Gothic Revival design with wooden clapboard exterior;
- steeply pitched roof with a variety of steeply pitched dormers and cornice brackets under eaves;

- two original brick chimneys located on the rear of the building;
- four different patterns of bargeboard used in dormer and gables;
- two-storey bay window on the front elevation with detailed decorative brackets and quarter-round corner trim;
- tall, narrow one-over-one wooden windows with a variety of window hood moulding styles;
- small, Gothic window-shaped vents in side and rear gables near the roof peak; and
- front entry panelled door, fanlight and sidelights.

Proposal Details

The applicant submitted detailed building and elevation drawings illustrating the proposed changes to the design of the building. These design changes include the following:

- reducing the number of stepbacks/terraces of the building on the portion of the building located above and behind the Henry Elliott House;
- increasing the setback from the western property line from 0 to 2.7 m (8'11.5");
- increasing the separation between the building and Municipal Heritage Building above the first floor by approximately 3 metres (10 feet);
- changing the doors, window placement, cladding materials and other minor design changes to the street wall along Ochterloney Street;
- changing the main floor layout by replacing the previously planned live/work units with dedicated commercial space and amenity space for residents;
- increasing the variation in design of the rear of the building; and
- other minor design changes to cladding materials and the design and placement of windows and balconies.

Role of the Heritage Advisory Committee (HAC)

Policy CH-16 (Attachment C) of the Regional MPS establishes evaluation criteria for Community Council's consideration when a proposed development abuts a heritage property. The Heritage Advisory Committee (HAC) is responsible for reviewing and providing a recommendation to Community Council concerning the proposed design changes, only relative to the criteria of Policy CH-16.

Substantive Development Agreement Amendment

Section 5.2 of the existing development agreement indicates that all matters that are not identified as being non-substantive within the agreement are considered substantive amendments. Since the applicant is requesting changes to the building stepbacks and main floor layout, staff advise that the request is considered substantive. Substantive amendments require the full development agreement approval process, including a public hearing and the approval of Harbour East - Marine Drive Community Council.

DISCUSSION

Staff has reviewed the proposal in accordance with all relevant policies contained within the Downtown Dartmouth MPS and the Regional Plan as shown in Attachment B. It is important to note that only the requested changes to the design of the building were reviewed and not the development in its entirety. In reviewing the proposal, Staff have identified the following items for more detailed discussion.

Heritage Policy Review

The original staff review for the existing development agreement considered the design of the building and its relation to the Henry Elliott House. The policy review emphasised the pedestrian realm and supported the building's two storey street wall, landscaping, and fine-grained architectural details that are

consistent with the height and setbacks of the heritage building and surrounding streetscape. Aside from changes to cladding materials, window placement and doors, this application does not propose significant changes to the main design elements of the street wall.

Although not emphasized, the original review noted that the setbacks on upper floors also help to mitigate visual impacts on the adjacent municipally registered heritage property. As previously noted, the application proposes to reduce the number of setbacks on that portion of the building located above and behind the Henry Elliot House. This reduction, however, is compensated for by increasing the setback to the western property line and stepping back the entire building above the first floor. While the original setbacks mitigated visual impacts in one way, the revised design continues to mitigate impacts by increasing the overall space for light and air around the municipally registered heritage property, thereby increasing the impression that the two buildings are distinct and separate from each other. Variations in cladding materials also continue to mitigate visual impacts.

Ground Floor Commercial Uses

The existing development agreement allows the development of live/work units or commercial uses on the ground floor. As part of the requested design changes, the applicant is requesting that the street frontage be developed for dedicated commercial space and amenity space for residents. This request is consistent with MPS policies that encourage commercial uses at the street level. In addition, the total number of residential units continues to be limited to 52.

Proposed amending Development Agreement

Staff have prepared a proposed amending development agreement for the Heritage Advisory Committee's consideration as contained in Attachment A. In summary, the proposed agreement replaces the schedules showing the design of the building with new schedules that reflect the requested design changes. The description of the permitted uses is also amended to reflect the request to reconfigure the ground floor layout for dedicated commercial and amenity space instead of the previously planned live/work units.

Conclusion

Staff have reviewed the proposal and have determined that the proposal is consistent with the intent of the Downtown Dartmouth MPS and the Regional Plan. Although the number of setbacks located above and behind the municipally registered heritage property is reduced, the revised design continues to be sensitive to the adjacent heritage building by increasing the overall space and separation between it and the building. Therefore, staff recommends that the Heritage Advisory Committee recommend that Harbour East – Marine Drive Community Council approve the proposed amending development agreement.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed amending development agreement. The administration of the proposed amending development 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, signage posted on the subject site and letters mailed to property owners within the notification area outlined on Map 2.

A public hearing must be held by Community Council before they can consider 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 notified of the hearing by regular mail. The HRM website will also be updated to indicate a notice of the public hearing.

The proposed amending development agreement will potentially impact local residents, businesses, community facilities and property owners.

ENVIRONMENTAL IMPLICATIONS

No implications are identified.

ALTERNATIVES

The Heritage Advisory Committee could recommend that the Harbour East – Marine Drive Community Council:

1. Approve the proposed amending development agreement subject to modifications. This may necessitate further negotiation with the applicant and 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. Refuse to approve the amending development agreement and, in doing so, must provide reasons why the agreement does not reasonably carry out the intent of the MPS. A decision of Community Council to reject this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

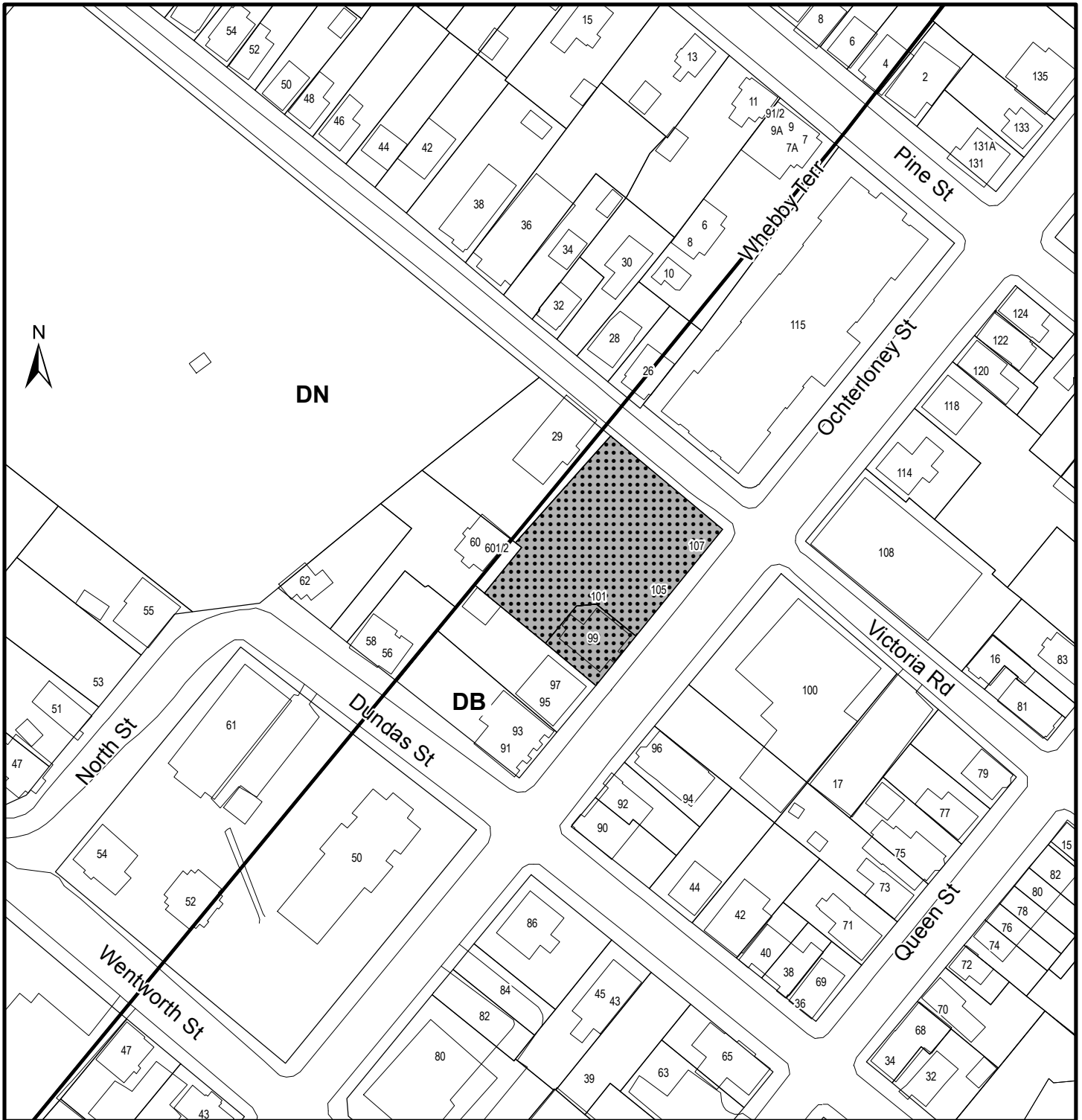
ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Amending Development Agreement
Attachment B:	Relevant MPS Policy Review

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: Ben Sivak, Major Projects Planner, 902.490.6573

Report Approved by: Original Signed
Kelly Denty, Manager, Development Approvals, 902.490.4800



Map 1 - Generalized Future Land Use

HALIFAX

Ochterloney Street,
Dartmouth



 Subject Site

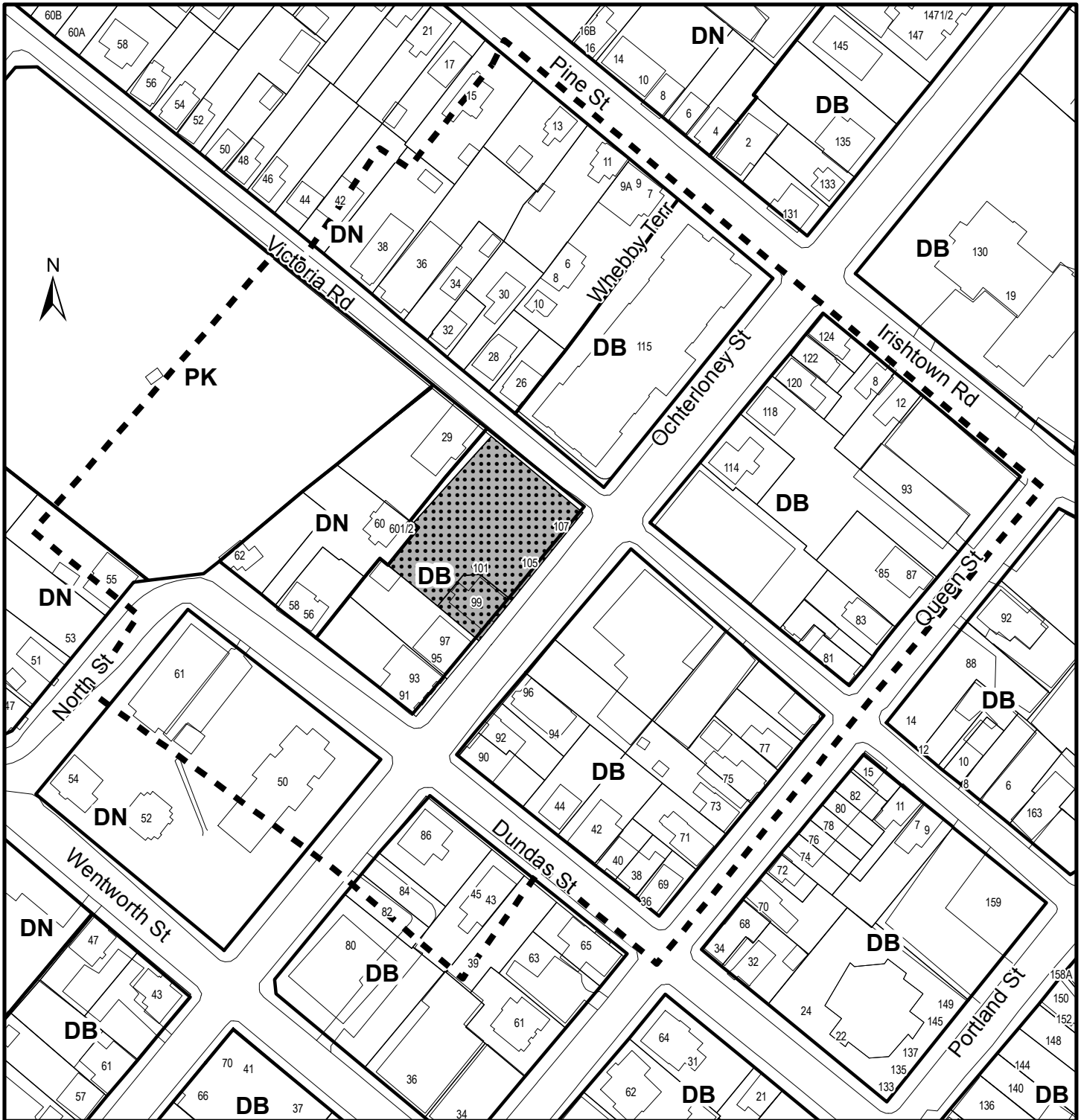
Designation

DN Downtown Neighbourhood
DB Downtown Business District

Downtown Dartmouth
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.



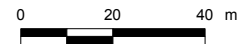
Map 2 - Zoning and Notification


Ochterloney Street,
Dartmouth



 Subject Site

Zone



 Area of Notification

- DN Downtown Neighbourhood
- DB Downtown Business District
- PK Park and Open Space

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

Downtown Dartmouth
Plan Area

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

Attachment A
Proposed Amending Development Agreement

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

BETWEEN:

BORIS HOLDINGS INCORPORATED

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

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at Ochterloney Street and Victoria Road in Dartmouth, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Harbour East–Marine Drive Community Council of the Halifax Regional Municipality approved a Development Agreement with Boris Holdings Incorporated to allow for a development consisting of up to 52 residential units with possible ground floor commercial space on November 14th, 2013 (Municipal Case No. 17863), which said Development Agreement was registered at the Halifax County Land Registration Office as Document No. 105131503 (hereinafter called the “Existing Agreement”);

AND WHEREAS the Developer has requested a substantive amendment to the provisions of the Existing Agreement to revise the design of the proposed development pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to the Existing Agreement;

AND WHEREAS the Harbour East – Marine Drive Community Council of the Halifax Regional Municipality approved this request at a meeting held on **[Insert-Date]**, referenced as Municipal Case No. 20174;

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

1. To amend Section 3.1 by deleting Schedule B, Site and Landscaping Plan, and replacing it with the attached Schedule Ba.

2. To amend Section 3.1 by deleting Schedule C, Main Floor Plan, and replacing it with the attached Schedule Ca.
3. To amend Section 3.1 by deleting Schedules D1-D4, Elevation Drawings, and replacing it with the attached Schedules D1a, D2a, D3a and D4a.
4. To delete and replace all references to Schedule B with Schedule Ba, Schedule C with Schedule Ca and Schedules D1, D2, D3 and D4 with Schedules D1a, D2a, D3a, and D4a, respectively.
5. To delete Section 3.3.1 and replace it with the following.

3.3.1 The use(s) of the Lands permitted by this Agreement are two buildings, as generally illustrated on the Schedules, comprised of the following:

- (a) a maximum of 52 residential units in the Proposed Residential Building;
- (b) ground floor commercial or amenity space as generally shown on Schedule Ca;
- (c) a maximum of 2 units in the Heritage Building as shown of Schedule Ba; and
- (d) underground parking with no surface spaces permitted.

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

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

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

Witness

Per: _____
MAYOR

Witness

Per: _____
MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Cathy Mellett, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

**Attachment B
Relevant MPS Policy Review**

Policy B-8 – Downtown Dartmouth MPS

Higher density housing proposals that do not meet the standards of the Business District Zone may be considered by Council through the development agreement process. In addition to the general criteria set out in Policy N-5, the following criteria shall be considered by Council in evaluating such proposals:

POLICY CRITERIA	COMMENT
<p>1. <i>The residential opportunity sites referenced in Policy B-7 should be given priority for higher density development;</i></p>	<p>NA – not impacted by proposed design changes.</p>
<p>2. <i>The design of apartment buildings should be sensitive to the traditional character of the downtown and the immediate surroundings. A general guideline of 100 units per acre and 5 storeys shall be utilized as parameters for the scale and massing of development. The following additional criteria apply to the residential opportunity sites:</i></p> <p style="margin-left: 40px;">a) <i>Up to eight stories may be permitted on Site A provided no greater than 3 stories is permitted on the Edward and North Street elevations;</i></p> <p style="margin-left: 40px;">b) <i>Up to 10 stories may be permitted on Site C, provided the design of the building is stepped down towards Portland and King Streets.</i></p> <p style="margin-left: 40px;">c) <i>Up to four stories may be permitted on Site B.</i></p> <p style="margin-left: 40px;">d) <i>Up to five stories may be permitted on Site D with sensitive treatment along King Street adjacent to existing single family dwellings.</i></p>	<p>The original DA review noted the following:</p> <p style="margin-left: 40px;">The proposed design demonstrates sensitivity in terms of height, massing, and construction materials. The proposed density is approximately 127 units per acre, which is appropriate as the 52 units are consistent with densities which can be achieved though as of right development and because the built form represents a substantial improvement over what occur on an as of right basis. The height only slightly exceeds that which is permitted as of right within the DB Zone, and this additional height is well mitigated through the use of stepbacks of upper floors and through variations in cladding materials which substantially reduces the apparent massing. Criteria a) through d) do not apply as they are specific to designated opportunity sites.</p> <p>While the revised design reduces the number of stepbacks, a larger setback from the western property line and more space around the municipally registered heritage property continue to mitigate impacts. The setback along Ochterloney Street is maintained.</p>

<p>3. Buildings should be designed to reinforce a human scale streetscape. The stepping back of higher rise buildings away from the street should be considered to avoid a massive building appearance, as should the subdivision of large building facades to create the appearance of several smaller buildings;</p>	<p>Aside from changes to cladding materials, window placement and doors, this application does not make significant changes to the main design elements of the building where it meets the street. The original DA review noted the following.</p> <p>The proposed building presents a two storey townhouse-style streetwall, with stepbacks for upper floors, which reinforces the pedestrian environment. The facades are well articulated with varied bays and recesses which meets the goal of breaking up the building faces.</p>
<p>4. Commercial or other uses serving the public are encouraged at the street level of residential buildings.</p>	<p>The existing agreement allows either live/work space or commercial uses at the street level. The proposal to allow dedicated commercial or amenity space continues to be consistent with this criteria.</p>
<p>5. Where on-site parking is required, it should be enclosed within a building.</p>	<p>NA – not impacted by proposed design changes</p>
<p>6. Reduced standard laneways may be considered as an alternative means of access to the residential opportunity sites.</p>	<p>NA – not impacted by proposed design changes.</p>

Policy N-5 – Downtown Dartmouth MPS

In order to achieve the goals of strengthening the neighbourhoods, bringing more people to live downtown, and of providing a variety of housing options with an emphasis on families, additional housing opportunities will be provided for five sites shown on Map 3. The development of medium density housing including townhousing and low-rise apartment buildings may be considered on these sites. The development agreement process will be used to assess individual proposals and set out detailed site and building design standards which reflect the unique character and scale of the neighbourhoods. Council shall consider the following criteria in its evaluation of development agreement proposals under this policy:

POLICY CRITERIA N-5	STAFF COMMENT
<p>a) <i>where suitable, a mix of dwelling types should be achieved including townhousing, apartment and detached dwelling units. As a target, approximately 25% of housing should be designed to accommodate families with children;</i></p>	<p>NA – not impacted by proposed design changes</p>
<p>b) <i>reasonable controls should be set out on the bulk, scale, and density of any proposed development to ensure it does not significantly alter the character of the area;</i> i) <i>The preferred form of development is low rise, ground-oriented, medium</i></p>	<p>These criteria are addressed in the discussions under Policy B-8 and Policy CH-16.</p>

<p><i>density housing. Development proposals should be consistent with the surrounding neighbourhood and should not exceed a maximum density of 35 units per net acre and a height of three stories. Minor variations in these limits may be considered where the proposal clearly offers substantial benefits to the neighbourhood in terms of additional open space, landscaping, and urban design amenities or where there are unique site conditions which justify variations in height or density in order to minimize site disturbance.</i></p> <p><i>ii) On Site A, only street level townhousing or detached dwellings will be permitted along the King Street corridor to ensure compatibility with adjacent residences. Any apartment buildings should be sited to the northern and western portions of the site towards Alderney Manor and the Dartmouth Common. Minor variations¹² in allowable building heights may be considered for these portions of the site to encourage innovative building design and development which is in keeping with the natural terrain. Appropriate buffers should be provided between any apartment buildings and adjacent dwellings on Edward Street.</i></p>	
<p><i>c) the architecture and external appearance of any proposed buildings should reflect the traditional character of dwellings within the immediate neighbourhood and are in keeping with traditional design principles set out in Policy D-1 of this plan;</i></p>	<p>This criteria is addressed in the discussions under Policy B-8 and Policy CH-16.</p>
<p><i>d) the proposal should not involve the wholesale demolition of existing housing stock;</i></p>	<p>NA – not impacted by proposed design changes</p>
<p><i>e) where applicable, street corridor views of the harbour should be maintained and enhanced;</i></p>	<p>NA – not impacted by proposed design changes</p>
<p><i>f) adequate buffers and screening should be provided for any proposed apartment buildings or parking areas from adjacent single family residences, and attractive fencing and landscaping to enhance privacy should be provided where appropriate;</i></p>	<p>There are no adjacent single family residences, adjacent properties are used for two unit and multiple unit dwellings. Still, a larger setback is proposed for the western property line that further mitigates the effects of the development.</p>
<p><i>g) adequate landscaping and/or street trees</i></p>	<p>NA – not impacted by proposed design changes</p>

	<i>should be provided around the perimeter of the development to enhance the aesthetics of the site;</i>	
h)	<i>adequate recreation and amenity space including play areas for children should be provided where appropriate;</i>	NA – not impacted by proposed design changes
i)	<i>parking areas should not be located so as to dominate the site. The visual appearance of parking areas should be minimized through use of landscaping treatments, rear yard or enclosed parking, reduced parking standards or other appropriate means;</i>	NA – not impacted by proposed design changes
j)	<i>traffic circulation and access to and from the site should be designed to minimize adverse impacts on adjacent residential uses</i>	NA – not impacted by proposed design changes
k)	<i>adequate provisions should be made for safe and convenient pedestrian circulation on the site;</i>	NA – not impacted by proposed design changes
l)	<i>underground infrastructure services should be adequate to support the development;</i>	NA – not impacted by proposed design changes
m)	<i>measures should be proposed to mitigate the impacts of construction on adjacent properties;</i>	NA – not impacted by proposed design changes
n)	<i>significant natural and cultural features on the site should be identified and protected where appropriate;</i>	NA – not impacted by proposed design changes
o)	<i>adequate measures are incorporated to ensure the development is maintained to a high standard, including all building and site areas and landscaping; and</i>	NA – not impacted by proposed design changes
p)	<i>the developer shall make a reasonable effort to collaborate with neighbourhood residents on the design of any proposed development.</i>	As part of the original DA application, a public information meeting was held and nearby property owners were provided the opportunity to comment on the proposal.

Policy D-1– Downtown Dartmouth MPS

HRM should ensure that a high quality of urban design is provided for all major developments in the downtown area. To achieve this objective Council shall adopt the following design guidelines for consideration in the design and renovation of buildings and spaces in the downtown area:

a)	The scale, massing, and grain of future development should reflect the downtown’s role as a ‘people place’ and respect its historic, small town character. While specific direction is provided in each of the various policy sections within this plan, in	This is addressed under Policy B-8.
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	general three to five storeys is the desired scale of development.	
b)	The traditional street grid pattern and grain of development should be maintained and re-established in new and existing development.	NA – not impacted by proposed design changes
c)	Building facades should maintain a consistent street edge except to provide access to rear parking areas. The use of interesting colour for building facades should be encouraged where it is complementary to the streetscape to add a sense of vibrancy to the area.	This is addressed under Policy B-8.
d)	The exterior architectural design of new buildings should be complementary to adjacent buildings of historic or landmark significance in terms of the building height and materials, rhythm, colour, and proportion of the building design elements. Traditional building materials such as wood shingle and brick are preferred. Architectural design details should be provided to encourage visual interest.	This is addressed under Policy B-8.
e)	Development should be oriented to pedestrians rather than cars. Surface parking areas should be designed to minimize the visual impact on the streetscape.	This is addressed under Policy B-8.
f)	Microclimate issues such as wind, solar orientation, and shadowing should be considered and capitalized upon in all new development or major renovation projects.	This is addressed under Policy B-8.
g)	Pedestrian street level activity should be encouraged in all development through the incorporation of outdoor cafes, ground floor uses, and uses that are open beyond daytime hours of operation. Consideration should be given to weather protection for pedestrians through use of decorative canopies and awnings.	This is addressed under Policy B-8.
h)	Public art should be provided on or adjacent to buildings.	NA – not impacted by proposed design changes
i)	Opportunities to experience nature should be provided to soften the urban setting through the incorporation of roof top gardens, flower boxes, community gardens for vacant lots, and through the use of greenways through the business core.	NA – not impacted by proposed design changes
j)	Important views from public parks and streets should be respected in the design and configuration of development, especially harbour and east-west street	NA – not impacted by proposed design changes

	corridor views.	
k)	Pedestrian circulation and access should be an important consideration of all development. In particular, public access to the water;s edge should be protected and enhanced where possible.	NA – not impacted by proposed design changes
l)	A high quality of design should be required for streetscape elements and furniture.	This is addressed under Policy B-8.
m)	Public safety should be a consideration in the design of new buildings to ensure the design of public spaces does not create opportunities for crime at any time, with special attention paid to placement and intensity of lighting, visibility, directional signage, and land uses which will provide opportunities for eyes on the street through incorporation of residential development and street level activity after normal working hours.	NA – not impacted by proposed design changes

Policy CH-16– Regional Plan (Formerly Policy CH-2)

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:

POLICY CRITERIA CH-2	STAFF COMMENT
(a) <i>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;</i>	The revised design does not significantly change the materials, proportion or rhythm of the building's design.
(b) <i>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;</i>	Revised design continues to be visually compatible with the municipally registered heritage property. One larger setback above the 1 st floor behind the heritage building provides more light and air and increases the perception that the 7 story building is separate and distinct from the existing heritage building.
(c) <i>ensuring that new developments respect the building scale, massing, proportions, profile and building character of abutting federally, provincially or municipally registered heritage</i>	

<i>structures by ensuring that they:</i>	
(i) <i>incorporate fine-scaled architectural detailing and human-scaled building elements.</i>	Detailing is not proposed to be significantly changed.
(ii) <i>reinforce, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage properties; and</i>	Not proposed to be significantly changed.
(iii) <i>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 setbacks 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;</i>	<p>The original staff review noted the following concerning a similar worded criteria.</p> <p>A cornice line provides a clear break between the pedestrian realm and the upper floors of the proposed building. Upper floors are well set back from the streetwall, mitigating the apparent effect of the upper floors. The building massing is also modulated, and the cladding materials and colours vary which further mitigates the effects of height.</p> <p>The proposed revision reduces the setbacks located behind and above the municipally registered heritage property. However, the heritage building continues to be respected by stepping back the entire wall above the 1st floor, which provides more light and air around the heritage building.</p>
(d) <i>the siting of new developments such that their footprints respect the existing development pattern by:</i>	
(i) <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</i>	<p>The proposed revision does not significantly change the streetscape features. The original staff review noted the following.</p> <p>The proposed building has a setback consistent with that of the heritage property and others on this block, to ensure a respectful street wall.</p>
(ii) <i>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;</i>	NA – not impacted by proposed design changes

(e) <i>not unreasonably creating shadowing effects on public spaces and heritage resources;</i>	NA – not impacted by proposed design changes
(f) <i>complementing historic fabric and open space qualities of the existing streetscape;</i>	NA – not impacted by proposed design changes
(g) <i>minimizing the loss of landscaped open space;</i>	NA – not impacted by proposed design changes
(h) <i>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;</i>	NA – not impacted by proposed design changes
(i) <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;</i>	NA – not impacted by proposed design changes
(j) <i>having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and</i>	No other additional heritage policy considerations
(k) <i>any applicable matter as set out in Policy G-14 of this Plan. [note: should be Policy G-15]</i>	NA

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

1. "Abutting" means adjoining and includes properties having a common boundary or a building or buildings that share at least one wall. Properties are not abutting where they share only one boundary point as opposed to a boundary line.
2. "Building scale" means a building's size relative to another building's size, or the size of one building's elements relative to another building's elements.
3. "Massing" means the way in which a building's gross cubic volume is distributed upon the site, which parts are higher, lower, wider, or narrower.
4. "Proportion" means the relationship of two or more dimensions, such as the ratio of width to height of a window or the ratio of width to height of a building or the ratio of the height of one building to another.
5. "Profile" means a building's cross-sectional shape or the shape of its outline.
6. "Building character" means the combined effect of all of the architectural elements of a building or a group of buildings.

7. "Human-scaled building elements" means a range of building details from small (masonry units, doorknobs, window muntins, etc.) to medium (doors, windows, awnings, balconies, railings, signs, etc.) to large (expression of floor lines, expression of structural bays, cornice lines, etc.).
8. "Street wall" means the vertical plane parallel to the street in which the front building facades of the majority of the buildings along a street are located.
9. "Pedestrian realm" means the volume of space enclosed by the horizontal plane of the street and sidewalks, and the vertical planes of the facing streetwalls. The height of this volume is determined by the height of the base of the adjacent buildings as defined by a major cornice line or by the point at which a building's massing is first stepped-back from the streetwall. Where cornice lines or setbacks do not exist, the height will be generally two to five stories, as appropriate.

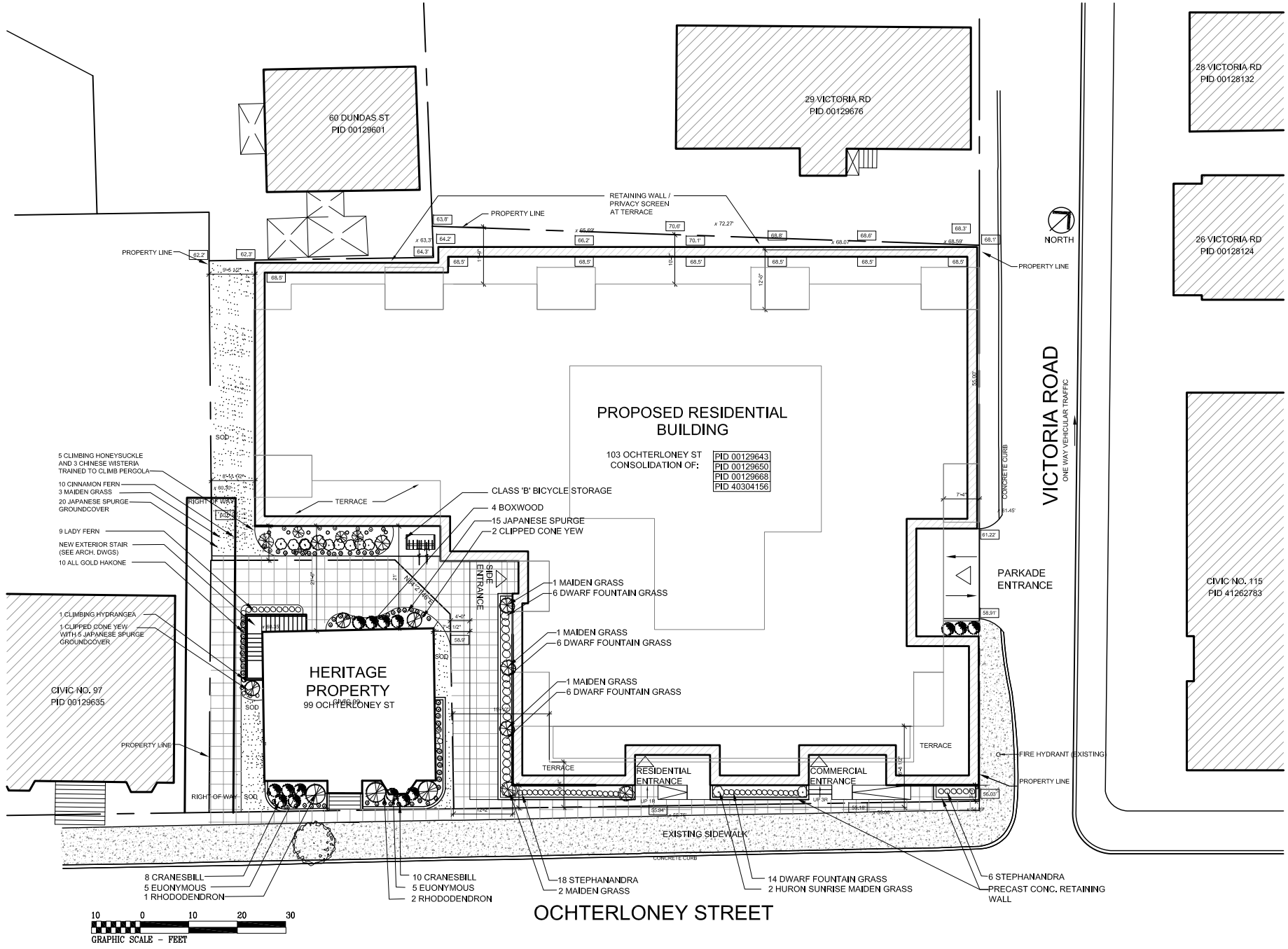
Policy G-15 – Regional Plan

G-15 In considering development agreements or amendments to land use by-laws, in addition to all other criteria as set out in various policies of this Plan, HRM shall consider the following:

Policy Criteria	Comments
<i>(a) that the proposal is not premature or inappropriate by reason of:</i>	
<i>(i) the financial capability of HRM to absorb any costs relating to the development;</i>	The revised design would not generate any costs to HRM.
<i>(ii) the adequacy of municipal wastewater facilities, storm water systems or water distribution systems;</i>	NA – not impacted by proposed design changes
<i>(iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;</i>	NA – not impacted by proposed design changes
<i>(iv) the adequacy of road networks leading to or within the development;</i>	NA – not impacted by proposed design changes
<i>(v) the potential for damage to or for destruction of designated historic buildings and sites;</i>	NA – not impacted by proposed design changes.
<i>(b) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i>	
<i>(i) type of use;</i>	NA – not impacted by proposed design changes
<i>(ii) height, bulk and lot coverage of any proposed building;</i>	Reviewed under Policy D-8 and CH-16
<i>(iii) traffic generation, access to and egress from the site, and parking;</i>	NA – not impacted by proposed design changes
<i>(iv) open storage;</i>	NA – not impacted by proposed design changes
<i>(v) signs; and</i>	NA – not impacted by proposed design changes

<i>(c) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</i>	NA – not impacted by proposed design changes
<i>(d) if applicable, the requirements of policies E-10, T-3, T-9. EC-14, CH-14 and CH-16.</i>	Policy CH-16 is reviewed separately within this Attachment. Other referenced policies are not impacted by proposed design changes.

Schedule Ba - Site and Landscaping Plan



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Boris Holdings

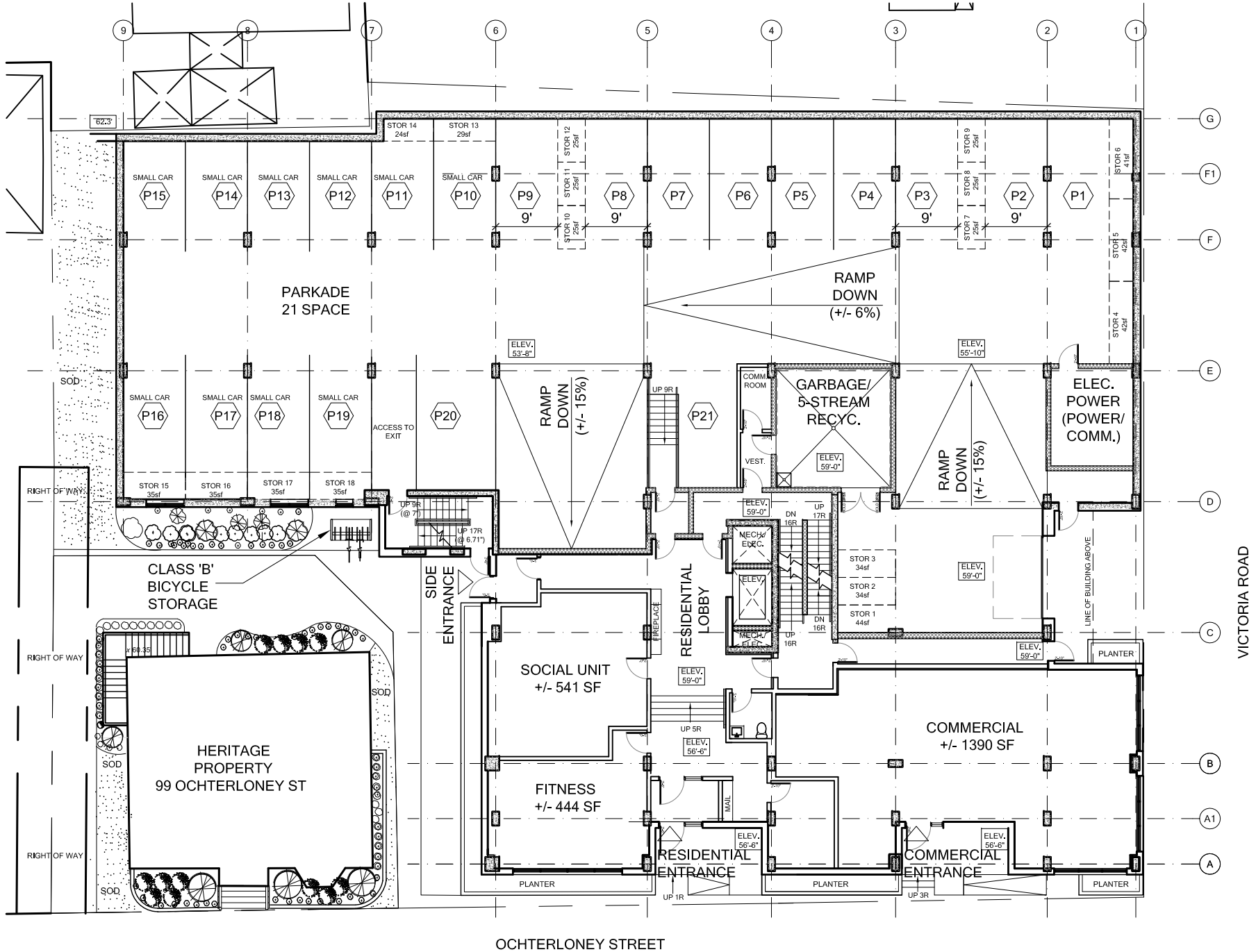
LOTUS POINT

OCHTERLONEY STREET, DARTMOUTH

LANDSCAPE

SCALE: N/A

Schedule Ca - Main Floor Layout



08/10/2015

LOTUS POINT

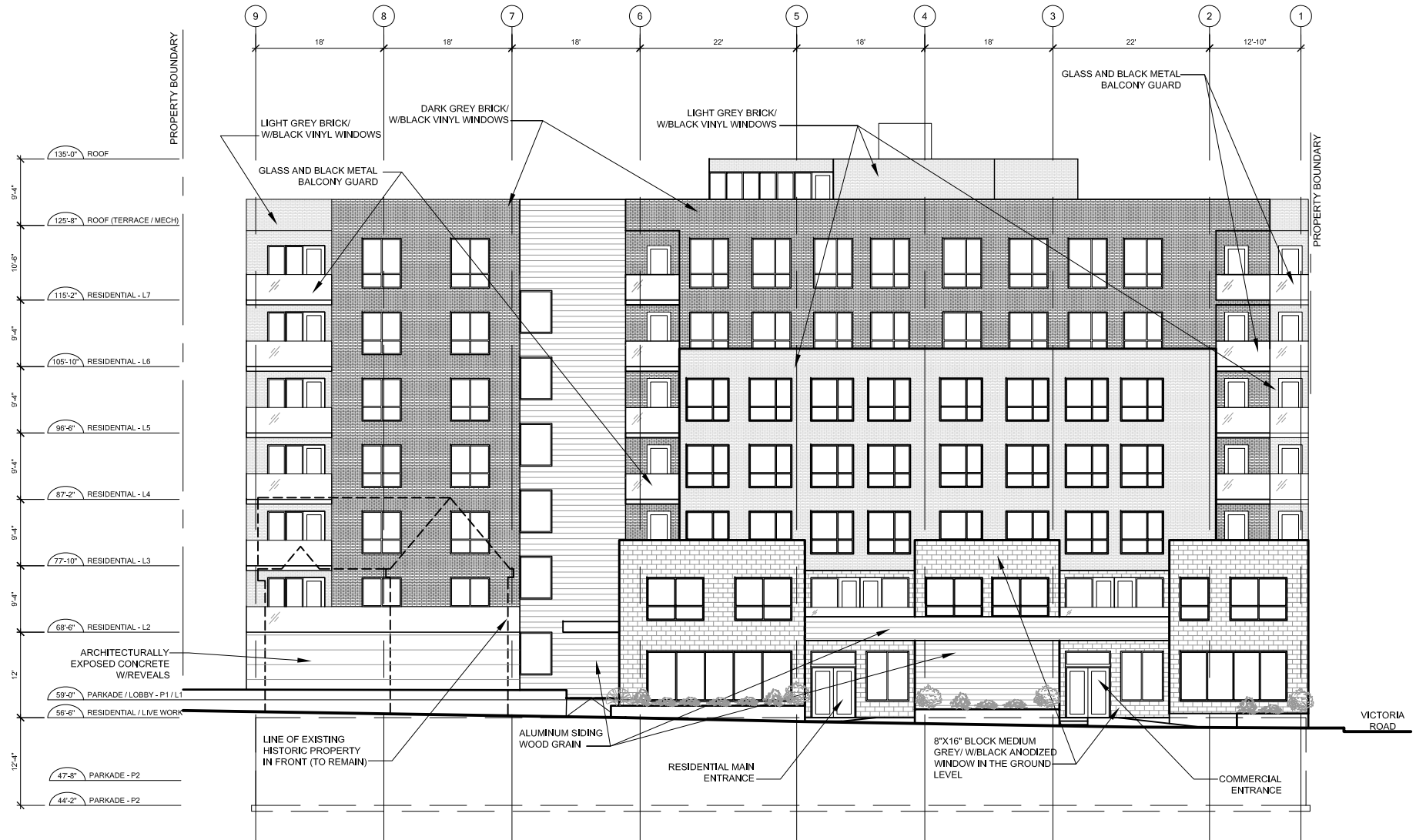
PARKING I LEVEL I LOBBY RESIDENTIAL

Boris Holdings

OCHTERLONEY STREET, DARTMOUTH

SCALE: N/A

Schedule D1a - Elevation Drawing



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LOTUS POINT

OCHTERLONEY STREET, DARTMOUTH

EAST ELEVATION

SCALE: N/A

Schedule D2a - Elevation Drawing



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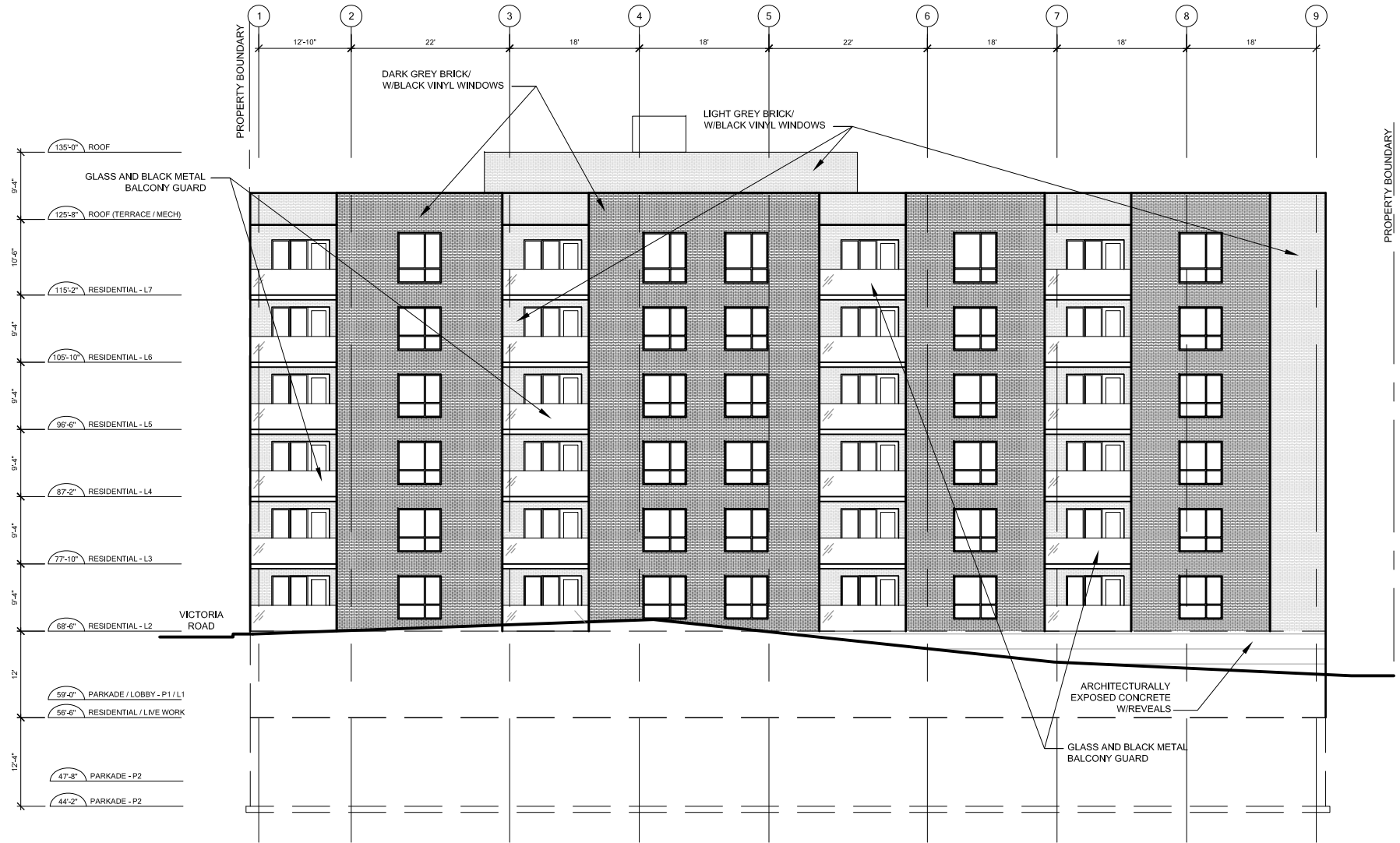
LOTUS POINT

OCHTERLONEY STREET, DARTMOUTH

NORTH ELEVATION

SCALE: N/A

Schedule D3a - Elevation Drawing



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LOTUS POINT

OCHTERLONEY STREET, DARTMOUTH

WEST ELEVATION

SCALE: N/A

Schedule D4a - Elevation Drawing



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LOTUS POINT

OCHTERLONEY STREET, DARTMOUTH

SOUTH ELEVATION

SCALE: N/A