

Halifax Regional Council  
October 6, 2009

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Heather Ternoway  
Heather Ternoway, Chair  
District 12 Planning Advisory Committee

DATE: September 1, 2009

SUBJECT: **Case 01301: Non-substantive DA amendments - 1445-1467 South Park Street, Halifax**

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**ORIGIN**

District 12 Planning Advisory Committee meeting - August 31, 2009

**RECOMMENDATION**

**The District 12 Planning Advisory Committee recommend that Regional Council:**

1. Approve by resolution the non-substantive amendments to the existing development agreement for 1445-1467 South Park Street, Halifax, as detailed in the amending agreement appended as Attachment A of the report dated July 13, 2009, with an amendment to Schedules C, D, X and Y to include windows on the second storey (Level 200) to comply with Policy EC-2(c) of the Regional Municipal Planning Strategy.
2. Require that the amending agreement be signed and returned within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Regional Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

**ATTACHMENT**

Staff report dated July 13, 2009

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

District 12 PAC  
August 24, 2009

**TO:** Chair and Members of District 12 Planning Advisory Committee

**SUBMITTED BY:**   
Wayne Anstey, Acting Chief Administrative Officer

**DATE:** July 13, 2009

**SUBJECT:** **Case 01301: Non-substantive DA amendments - 1445-1467 South Park St., Halifax**

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**ORIGIN**

Application by W.M. Fares Group for non-substantive amendments to the existing development agreement for 1445-1467 South Park Street (corner of Brenton Place), Halifax, to allow for changes to the landscaping measures and exterior architectural appearance of the building.

**RECOMMENDATION**

It is recommended that District 12 Planning Advisory Committee recommend that Regional Council:

1. Approve by resolution the non-substantive amendments to the existing development agreement for 1445-1467 South Park Street, Halifax, as detailed in the amending agreement appended as Attachment A of this report.
2. Require that the amending agreement be signed and returned within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Regional Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

*Revised Page - Change in Italics*

On August 12, 2008, Regional Council approved a development agreement (Case 01046) for the northeast corner of South Park Street and Brenton Place, Halifax, to permit a 19-storey mixed use residential/commercial building commonly known as the Trillium on South Park. That agreement was later amended on May 5, 2009 to allow for an increase in the number of dwelling units from 80 to 85 (Case 01243). Excavation is underway at the site and it is expected that foundation work will begin shortly.<sup>1</sup>

An application was received in July for non-substantive amendments to both the exterior architectural appearance of the building and the approved landscaping measures. The reasons for the requested changes are as follows:

- the sales and marketing phase of the dwelling units has uncovered a greater demand for full and french **balconies** at higher elevations than what had been previously anticipated;
- the location of load bearing structural pillars has had an impact on the previously approved **fenestration pattern** for the Brenton Street elevation;
- there was a desire by the developer to have a **curtain wall system** running the full height of the building on a portion of the Brenton Street elevation (the approved development agreement describes a curtain wall system covering a portion of floors 8-15, as well as floors 18-19 on the Brenton Street elevation);
- there was a need to make changes to the **preliminary landscape design schedule** on the **ground level** to mitigate against previously identified adverse wind conditions (the proposed changes are mainly due to the layout of the private rear yard space and will therefore not impact the public realm);
- there was a desire by the developer to make changes to the **preliminary landscape design** for the **common landscape podiums** on levels 300 and 1400 (the main changes include the addition of *an exercise swimming pool on the 3rd floor and a hot tub on the 14th floor*);
- some of the **doorways and windows** previously found on the first two storeys immediately surrounding the corner plaza (each side of the main entryway) have been deemed a potential distraction to the proper enjoyment of the public art piece; and
- the same **doorways and windows** would interfere with the proper layout of the commercial space on the ground floor.

Attachment A contains a draft amending development agreement which details all of the proposed amendments, including replacement schedules.

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<sup>1</sup> A Construction Permit has been issued for the construction of the sub-level parking and podium only.

## DISCUSSION

Landscaping measures and the exterior architectural appearance of the building were not identified as substantive matters during the public consultation period for this project. Therefore, changes to both these features are contemplated under the non-substantive provisions of the existing development agreement.

Clause 6.2(e) specifies that changes to the landscaping measures shown on Schedules U to W can be approved by resolution of Council. Clause 6.2(k), on the other hand, allows Council to approve by resolution any changes to the exterior architectural appearance of the building, including materials, colours, architectural treatments and fenestration pattern, provided that plans are submitted for any changes to the building design and that such changes, in the opinion of Council, are an improvement over the design detailed in the Agreement.

In reviewing non-substantive amendments to existing development agreements, Council must also consider the applicable planning strategy policies. The policy context which governs the subject site is presently in transition from the Halifax Municipal Planning Strategy (MPS) to the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPs). In anticipation that periodic amendments would be required to active development agreements approved under the context of the Halifax MPS, Council included the following policy in the DHSMPs:

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

The original assessment of the approved building (existing development agreement) was done against the policies contained in Attachment B. These policies are mainly concerned with land use, height, massing and setback from property lines, none of which are impacted by the proposed changes. While there are design considerations covered under the aforementioned policies, these are limited to the following issues:

- the avoidance of blank walls [Policy EC-2(c)];
- the encouragement of building wall articulations [Policy EC-2(c)];
- the incorporation of human scaled building elements [Policy EC-2(d)];
- the elimination of dead spaces [Policy EC-2(f)]; and
- the promotion of visual interest in the urban skyline [Policy EC-2(h)].

Staff has reviewed the revised landscaping measures and building elevation drawings and has determined in both instances that the proposed changes are acceptable from a design perspective and in no way weaken the aesthetic quality of the building.

Staff notes that if Council accepts the proposed changes to the exterior architectural appearance of the building (Schedules C to F), that corresponding changes will also need to be brought to the Preliminary Lighting Scheme (Schedules X to AA) to reflect the new building elevations.

## **Conclusion**

The proposal satisfies the applicable non-substantive provisions of the existing development agreement, as well as the policies of the Halifax Municipal Planning Strategy, the Regional Municipal Planning Strategy, and the recently approved Downtown Halifax Secondary Municipal Planning Strategy and, as such, it is recommended that Regional Council approve by resolution the attached amending agreement.

## **BUDGET IMPLICATIONS**

There are no budget 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 proposed budget with existing resources.

## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

## **ALTERNATIVES**

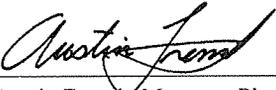
1. Regional Council may choose to approve the amending agreement, as contained in Attachment A. This is the recommended course of action.
2. Regional Council may choose to approve the terms of the amending agreement with modifications or conditions. Some modification or conditions may be outside the scope of a non-substantive amendment and may require a substantive amendment to the existing development agreement.
3. Regional Council may choose to refuse to amend the existing agreement. Pursuant to Section 245(6) of the *Halifax Regional Municipality Charter*, Council must provide reasons to the applicant justifying this refusal, based on the terms of the existing development agreement and the policies of the various applicable MPS. This alternative is not recommended.

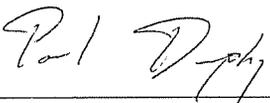
## **ATTACHMENTS**

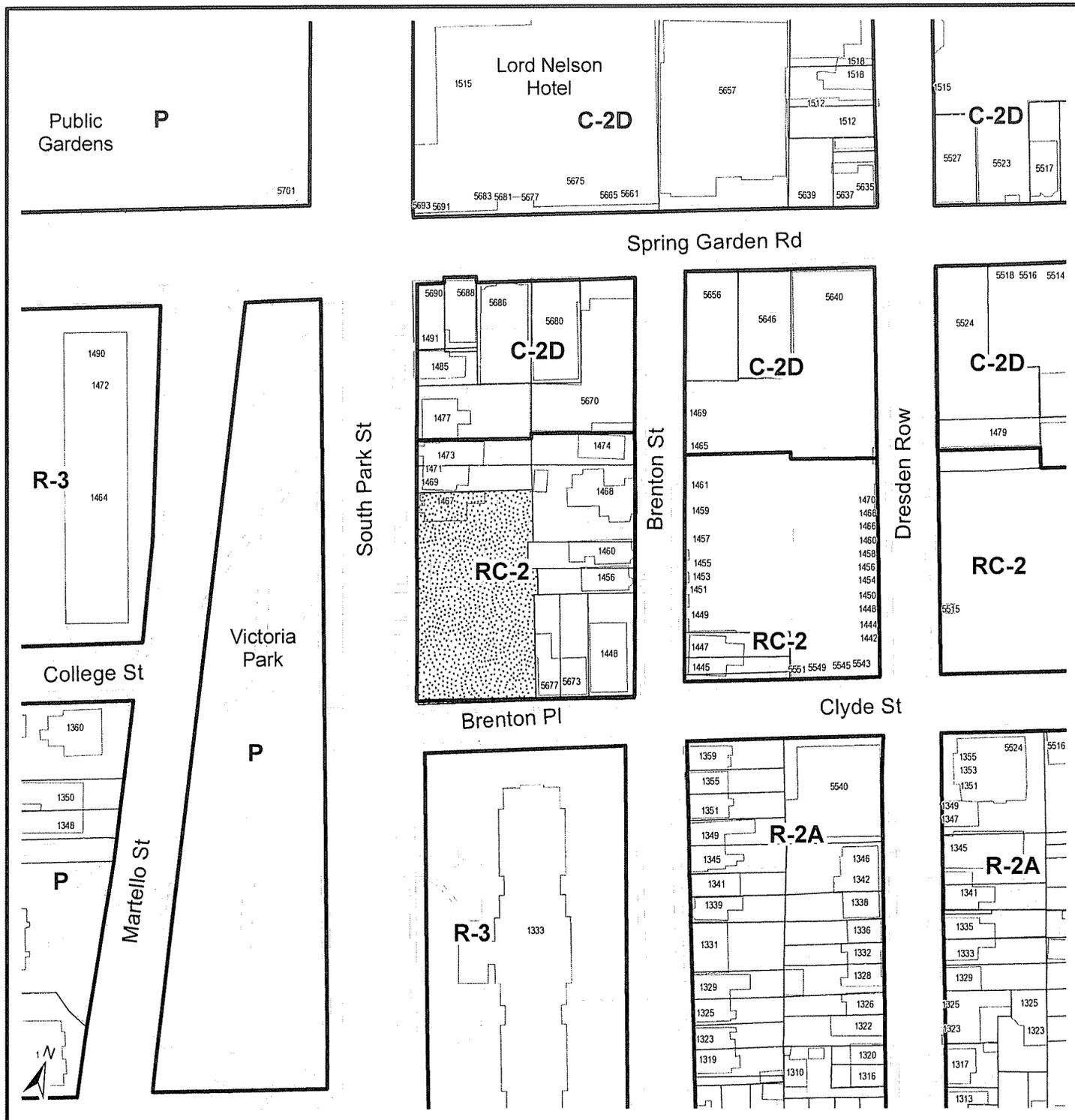
Map 1	Location
Attachment A	Draft Amending Agreement
Attachment B	Relevant Municipal Planning Strategy Policies

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> 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 : Luc Ouellet, Planner I, 490-3689

Report Approved by:   
Austin French, Manager, Planning Services, 490-6717

Report Approved by:   
Paul Dunphy, Director of Community Development



**Map 1 - Location**

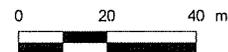
1441-1467 South Park Street  
 5679-5683 Brenton Place  
 Halifax

 Subject area

Halifax Peninsula  
 Land Use By-Law Area

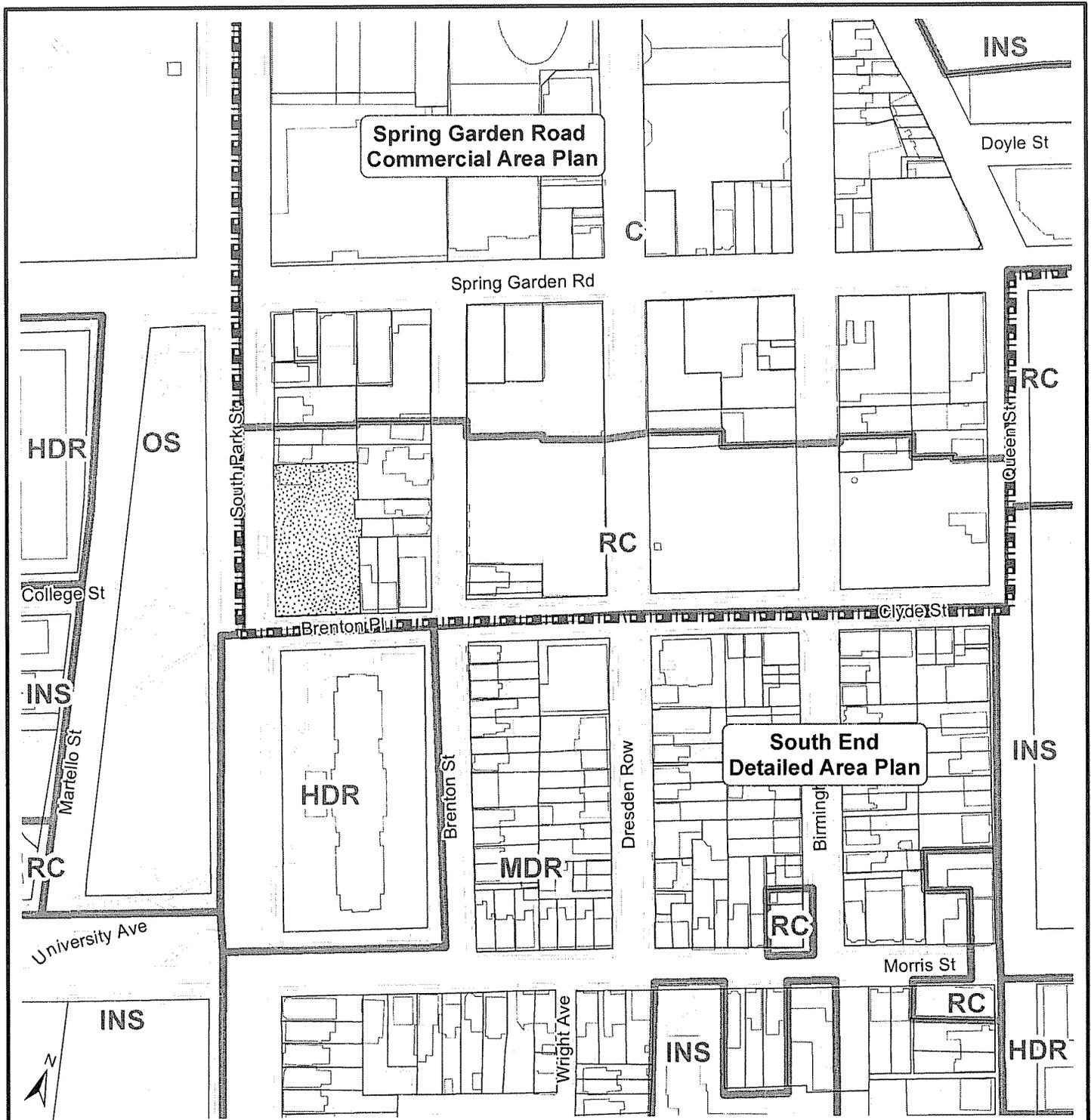
**Zone**

- R-2A General Residential Conversion
- R-3 Multiple Dwelling
- RC-2 Residential Minor Comm.
- C-2D General Business - Spring Garden Rd
- P Park and Institutional



This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Peninsula Land Use By-Law Area

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

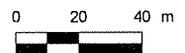


**Map 2 - Generalized Future Land Use**

1441-1467 South Park Street  
 5679-5683 Brenton Place  
 Halifax

**Designation - Spring Garden Road Commercial Area Plan**

C Commercial  
 RC Residential Commercial Mix  
 INS Institutional



- Subject area
- Secondary plan boundary

Halifax Plan Area

**Designation - South End Detailed Area Plan**

MDR Medium Density Residential  
 HDR High Density Residential  
 RC Residential Commercial Mix  
 OS Open Space  
 INS Institutional

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Halifax Plan Area

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

**Attachment A - Draft Amending Agreement**

THIS SECOND AMENDING AGREEMENT made this \_\_\_ day of \_\_\_\_\_, 2009,

BETWEEN:

**3225655 NOVA SCOTIA LIMITED,**  
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 1445-1467 South Park Street, Halifax [**Insert PID**] and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Regional Council of the Municipality approved an application by the Developer to enter into a development agreement to allow for a nineteen (19) storey mixed use residential/commercial building on the Lands, which said development agreement was registered at the Land Registry Office in Dartmouth on October 16, 2008, as Document Number 91878547 (hereinafter called the "Existing Agreement");

AND WHEREAS the Regional Council of the Municipality previously amended the Existing Agreement by entering into an Amending Agreement with 3225655 NOVA SCOTIA LIMITED on [**INSERT- Date of execution of First Amending Agreement**] as Municipal Case Number 01243 to increase the number of dwelling units from 80 to 85, said Agreement was registered at the Land Registry Office in Halifax as Document Number [**INSERT - Document Number**] (hereinafter called the "First Amending Agreement");

AND WHEREAS the Developer has requested to further amend the Existing Agreement to make changes to the landscaping measures, the exterior architectural appearance of the building, and the Preliminary Lighting Scheme Schedules;

AND WHEREAS the Regional Council for the Municipality approved this request at a meeting held on [**INSERT Date**], referenced as Municipal Case Number 01301;

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

1. The Existing Agreement is amended by repealing Section 3.5.10 and replacing it with the following:  

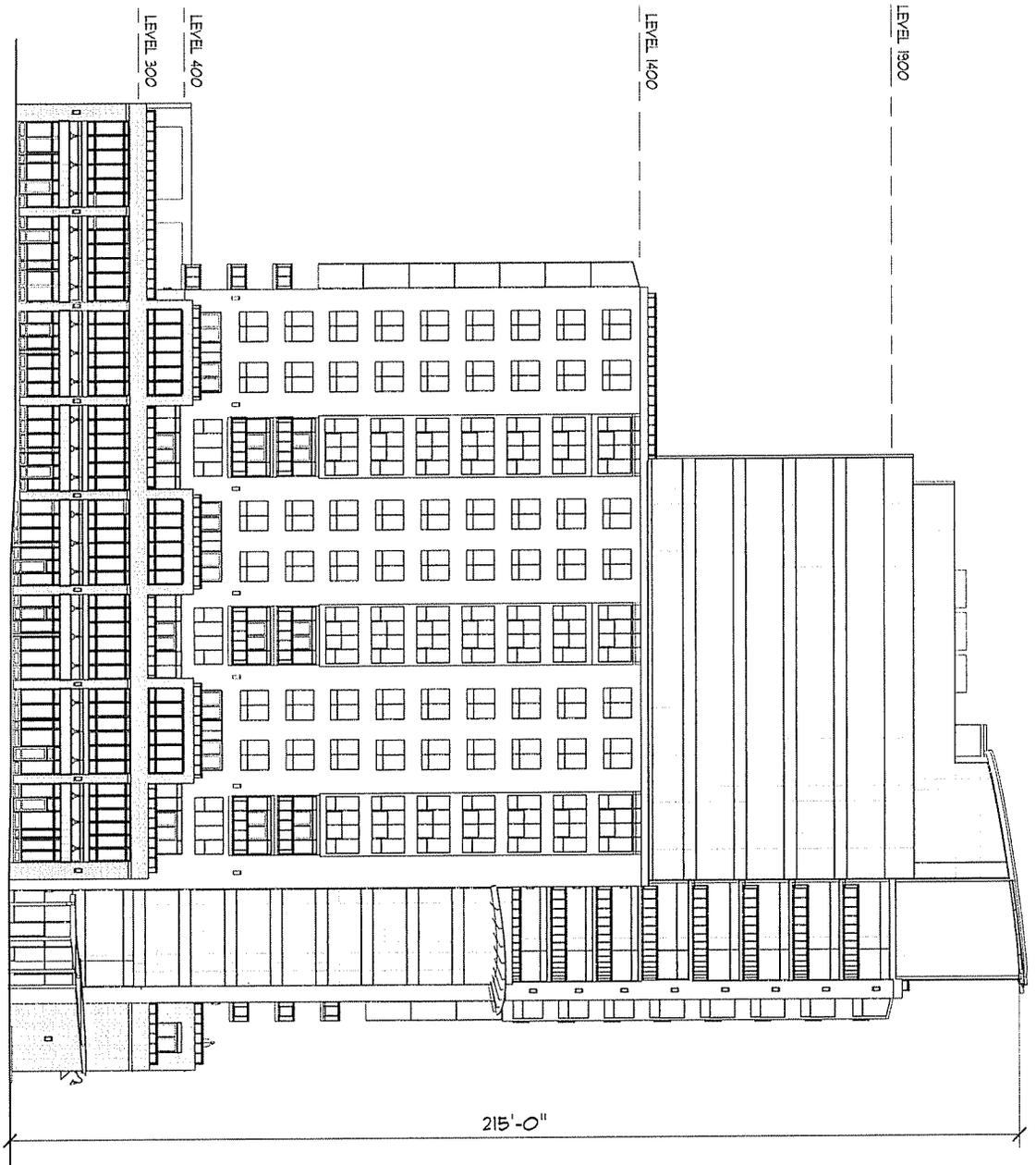
3.5.10 A clear and transparent glass curtain wall system shall clad a portion of the Brenton Street facade, as generally shown on Schedule E.
2. The Existing Agreement is amended by repealing Section 3.5.11.
3. The Existing Agreement is amended by repealing Schedule C South Park Street Elevation and replacing it with the attached Schedule C South Park Street Elevation.
4. The Existing Agreement is amended by repealing Schedule D Brenton Place Elevation and replacing it with the attached Schedule D Brenton Place Elevation.
5. The Existing Agreement is amended by repealing Schedule E Brenton Street Elevation and replacing it with the attached Schedule E Brenton Street Elevation.
6. The Existing Agreement is amended by repealing Schedule F Spring Garden Road Elevation and replacing it with the attached Schedule F Spring Garden Road Elevation.
7. The Existing Agreement is amended by repealing Schedule G Partial Enlarged Elevation and replacing it with the attached Schedule G Partial Enlarged Elevation.
8. The Existing Agreement is amended by repealing Schedule U Site Plan - Street Level Landscape Plan and replacing it with the attached Schedule U Site Plan - Street Level Landscape Plan.
9. The Existing Agreement is amended by repealing Schedule V Common Landscape Podium - Level 300 and replacing it with the attached Schedule V Common Landscape Podium - Level 300.
10. The Existing Agreement is amended by repealing Schedule W Common Landscape Podium - Level 1400 and replacing it with the attached Schedule W Common Landscape Podium - Level 1400.
11. The Existing Agreement is amended by repealing Schedule X South Park Preliminary Lighting Scheme and replacing it with the attached Schedule X South Park Preliminary Lighting Scheme.
12. The Existing Agreement is amended by repealing Schedule Y Brenton Place Preliminary Lighting Scheme and replacing it with the attached Schedule Y Brenton Place Preliminary Lighting Scheme.

- 13. The Existing Agreement is amended by repealing Schedule Z Brenton Street Preliminary Lighting Scheme and replacing it with the attached Schedule Z Brenton Street Preliminary Lighting Scheme.
- 14. The Existing Agreement is amended by repealing Schedule AA Spring Garden Road Preliminary Lighting Scheme and replacing it with the attached Schedule AA Spring Garden Road Preliminary Lighting Scheme.
- 15. All other terms and conditions of the Existing Agreement and the First Amending Agreement shall remain in full force and effect.
- 16. This Second Amending Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the land which is the subject of this amending agreement until it is discharged by the Council.

WITNESS that this Second Amending Agreement, made in triplicate, was properly executed by the respective Parties on this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2009.

SIGNED, SEALED AND DELIVERED ) **3225655 NOVA SCOTIA LIMITED**  
   ) in the presence of )  
   ) )  
 per: \_\_\_\_\_ ) per: \_\_\_\_\_  
   ) )  
 per: \_\_\_\_\_ ) per: \_\_\_\_\_  
   ) )

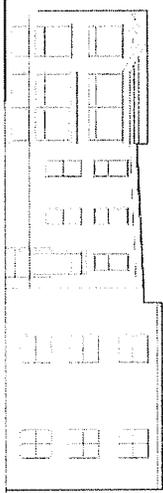
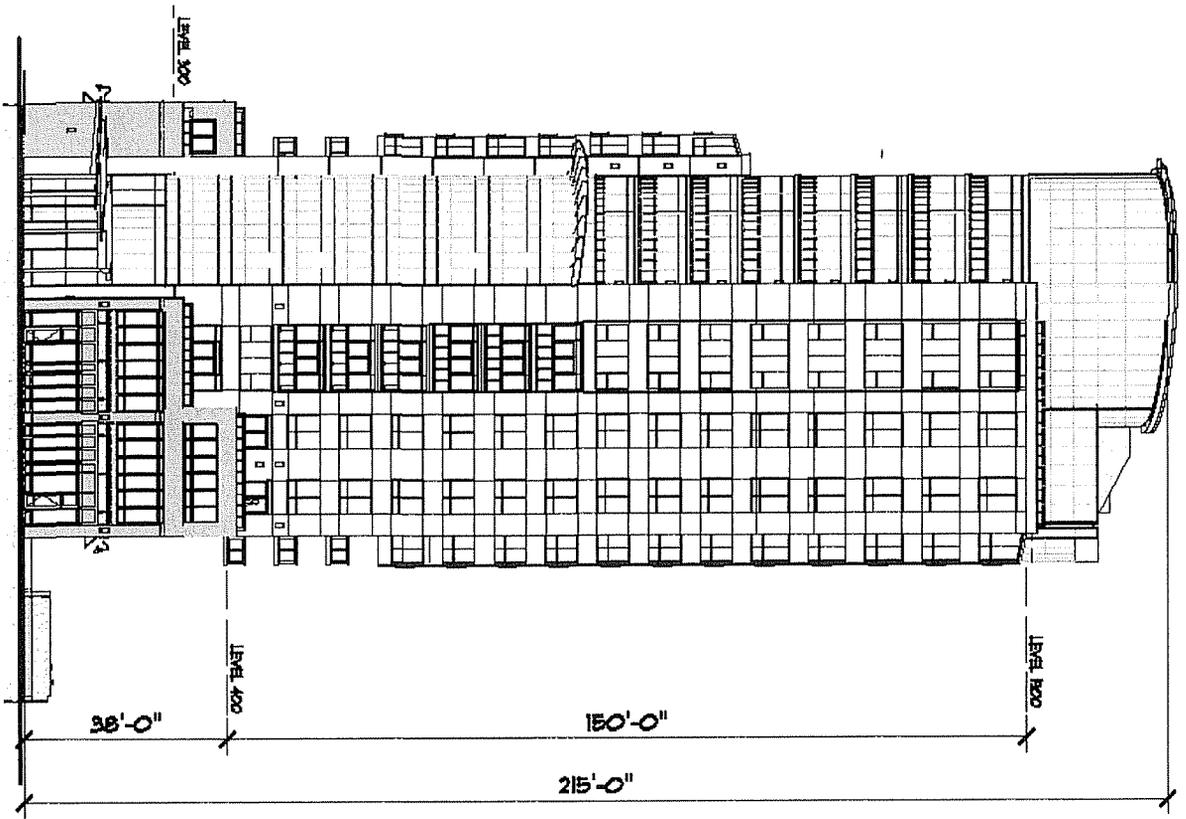
SEALED, DELIVERED AND )  
 ATTESTED to by the proper )  
 signing officers of Halifax Regional ) **HALIFAX REGIONAL MUNICIPALITY**  
 Municipality duly authorized )  
 in that behalf in the presence )  
   ) )  
 per: \_\_\_\_\_ ) per: \_\_\_\_\_  
   )                                   MAYOR  
   ) )  
 per: \_\_\_\_\_ ) per: \_\_\_\_\_  
   )                                   ACTING MUNICIPAL CLERK



ELEVATION - South Park St.

schedule: C  
RE-SUBMITTED: JULY 6 2009

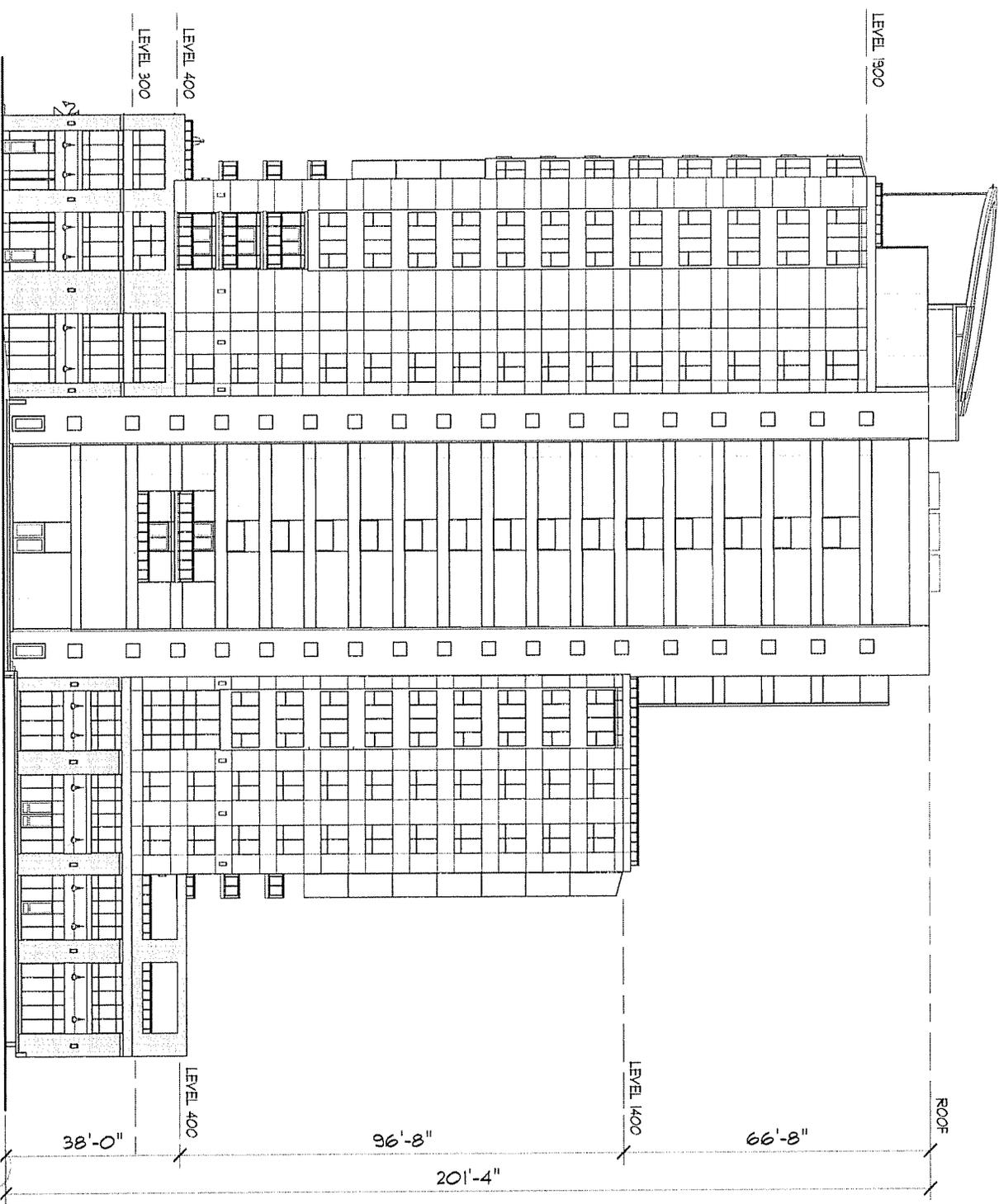
ELEVATION - Brenton Pl.



schedule: D

RE-SUBMITTED: JULY 6 2009

**WM FARES**  
GROUP

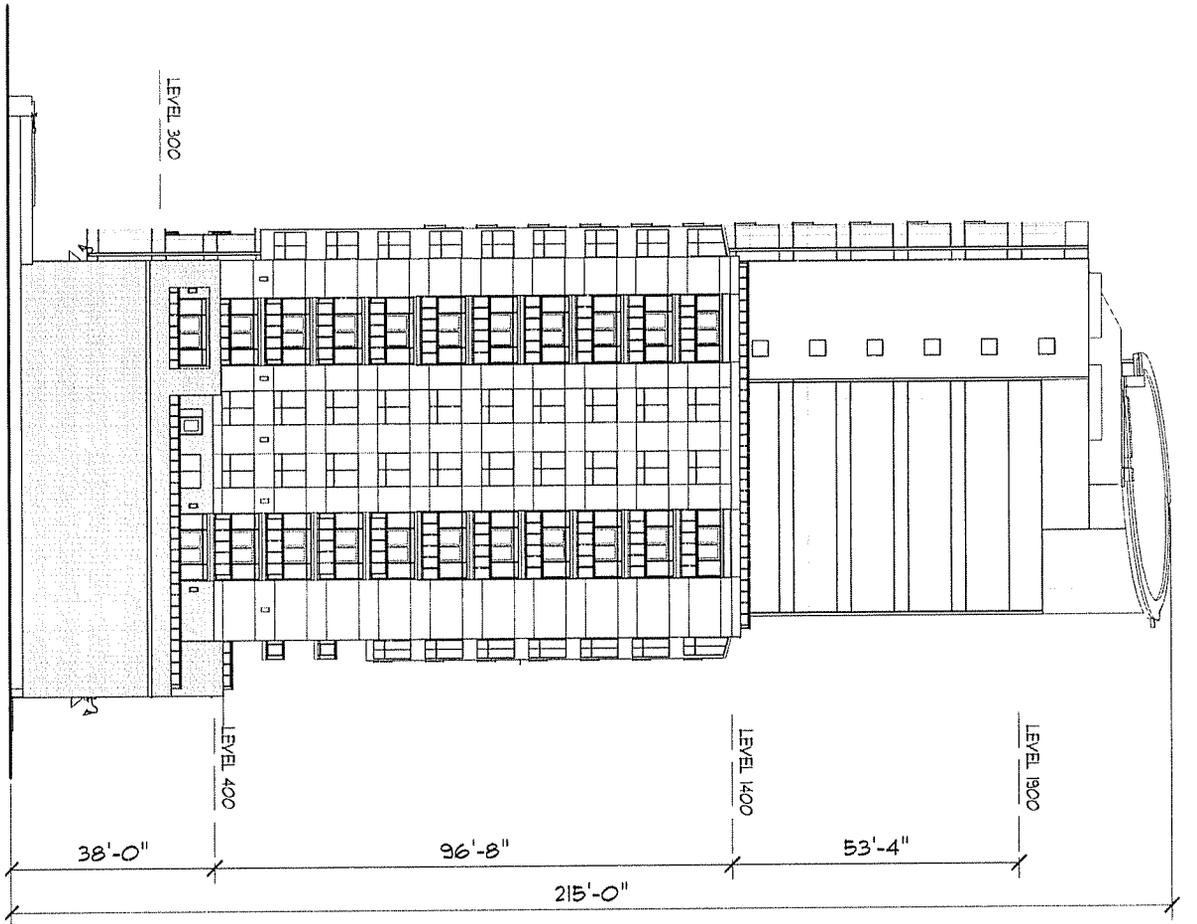


ELEVATION - Brenton St.

schedule: E  
 RE-SUBMITTED: JULY 6 2009

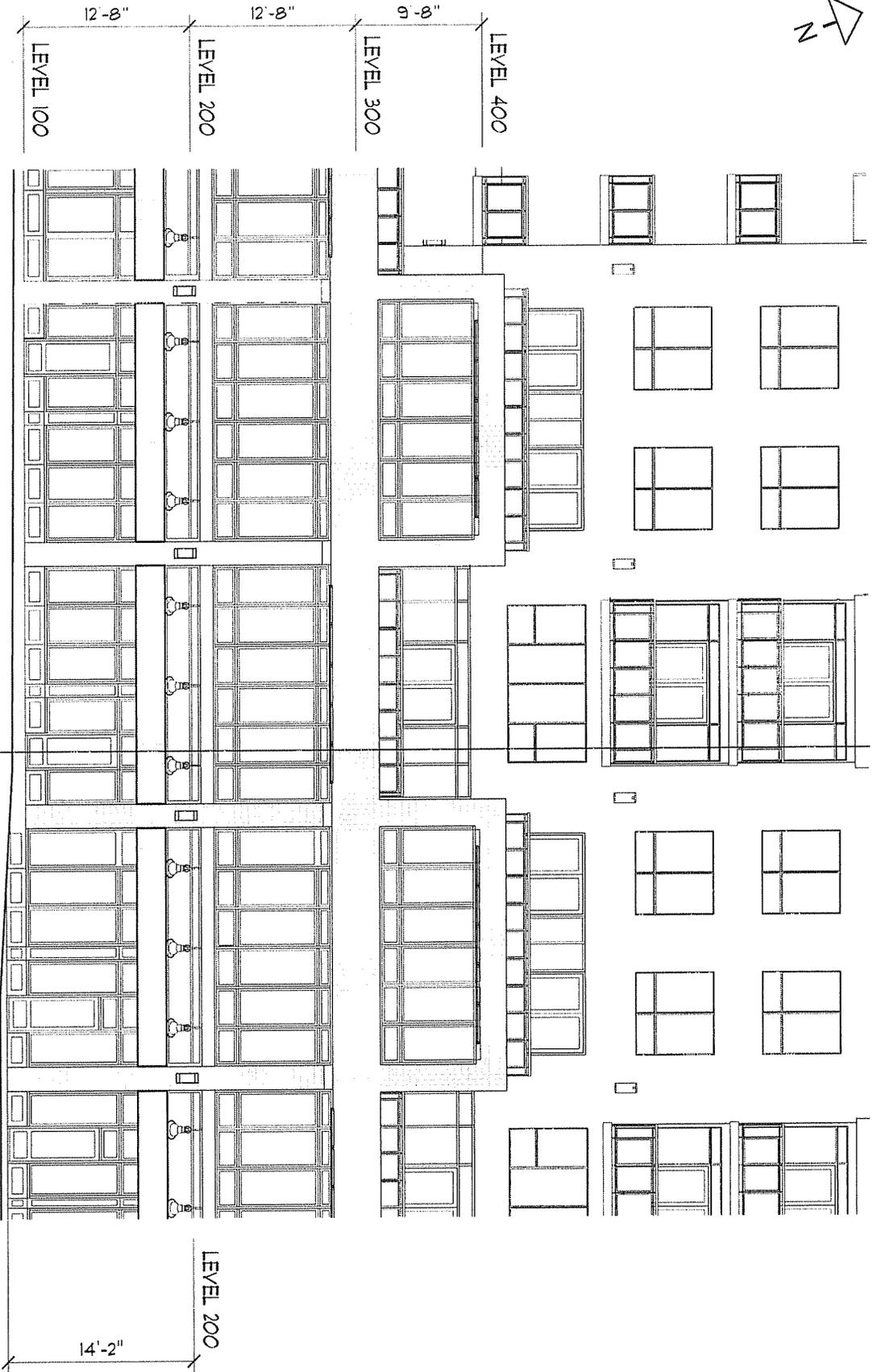
WM FARES  
 GROUP

# ELEVATION - Spring Garden



schedule: F  
RE-SUBMITTED: JULY 6 2009





# PARTIAL ENLARGED ELEVATION

NOTE: FOR EXTERIOR MATERIAL FINISHES REFER TO SECTION A

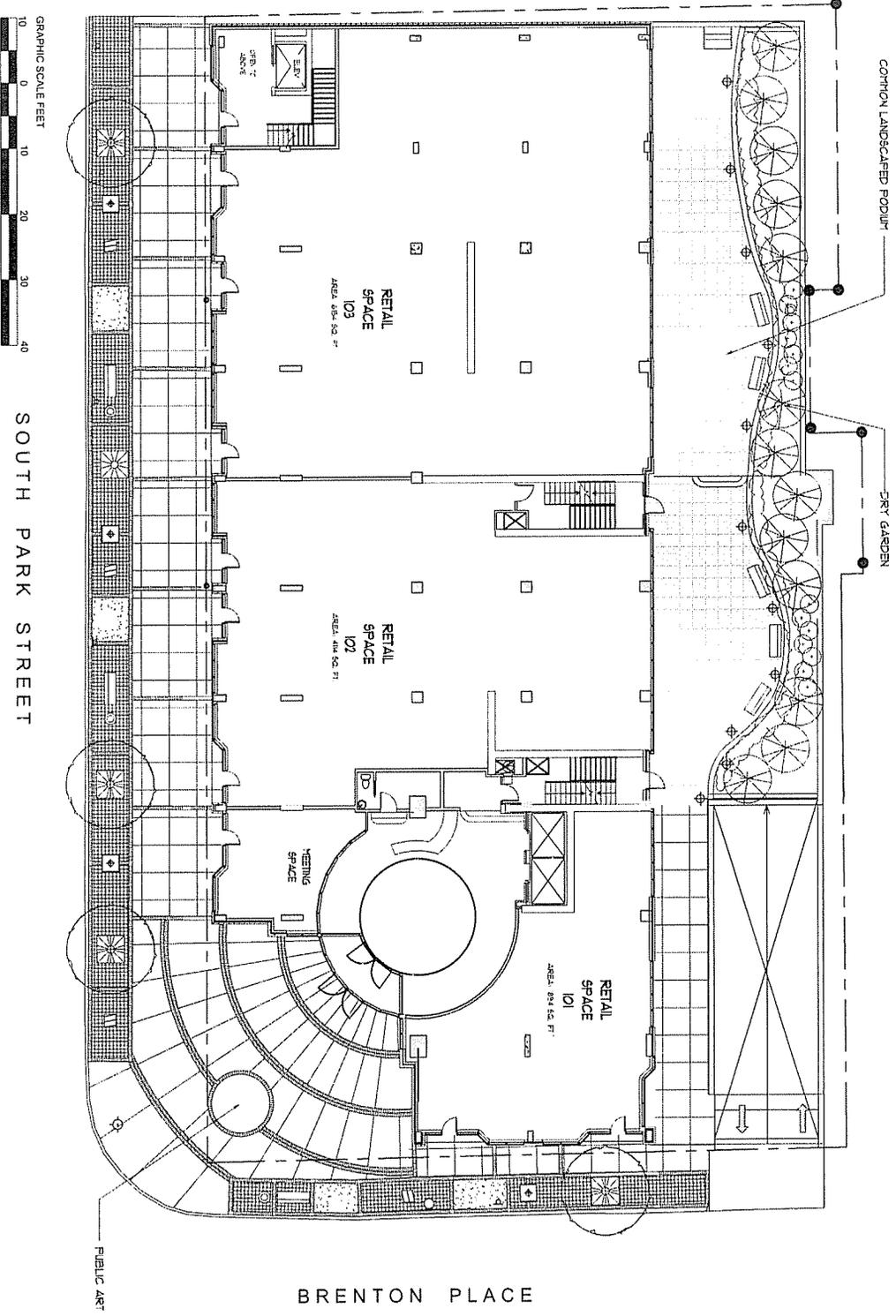
**WM FARES**  
GROUP

schedule: G

RE-SUBMITTED JULY 6 2009



- LEGEND**
- PROPOSED PRECAST CONCRETE PAVES
  - PROPOSED SEASONING
  - PROPOSED DECOROUS TREE
  - PROPOSED CONFIDENTIAL TREE GROUP
  - PROPOSED ORNAMENTAL GRASSES
  - PROPOSED SPRING PLANTS
  - PROPOSED GROUNDCOVER
  - PLANTERS
  - PROPAGULUM BENCH
  - ROOF DRAIN
  - PROPOSED DIRECTION FOR DRAINAGE
  - PROPOSED PLANT DIMENSIONS
  - LIGHT FIXTURE

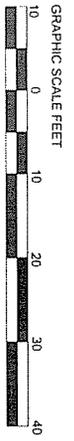
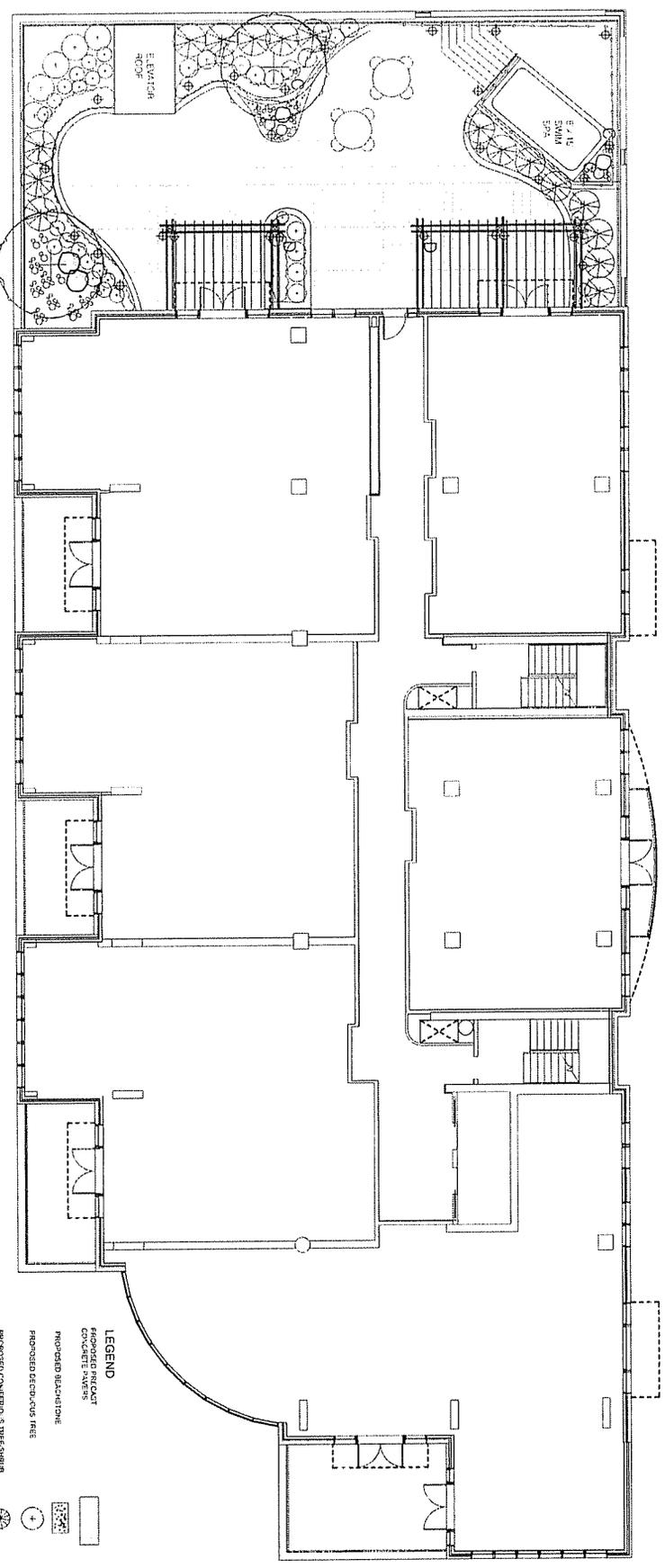


# SITE PLAN - STREET LEVEL

WM FARES  
G R O U P

schedule: U

RE-SUBMITTED JULY 6 2009

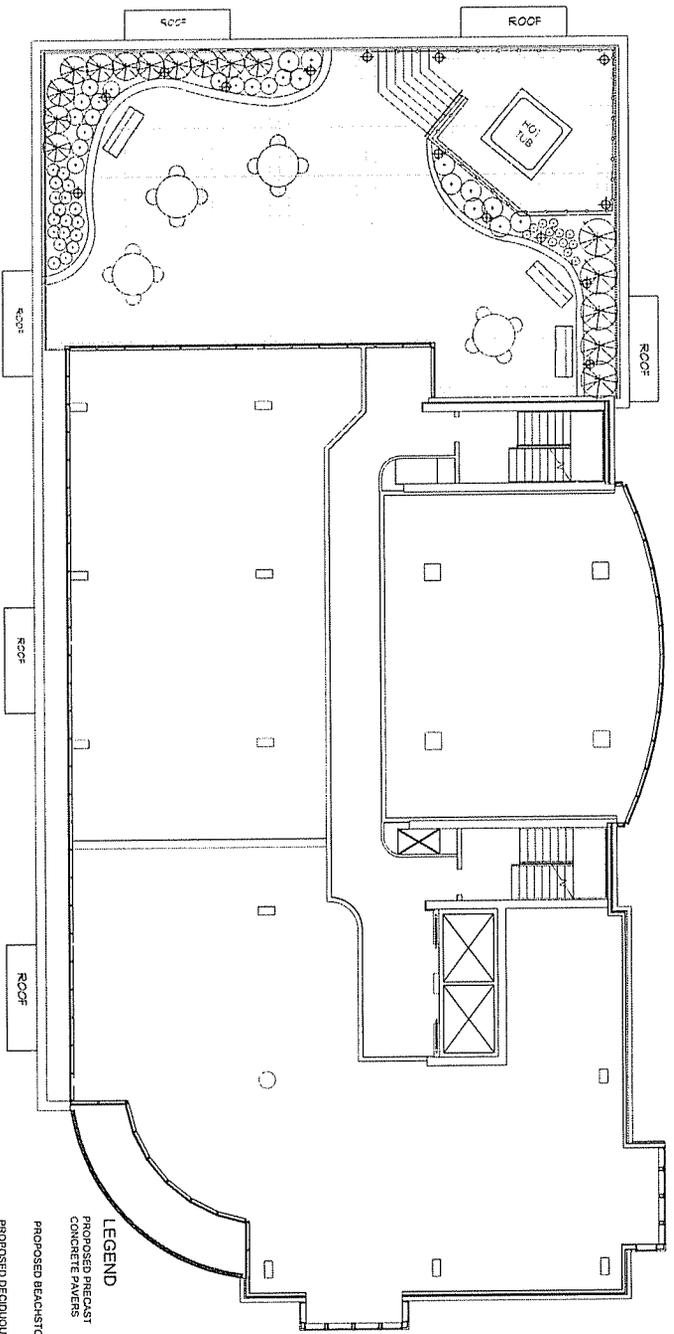


- LEGEND**
- PROPOSED FINISH CONCRETE SLABS
  - PROPOSED REINFORCING
  - PROPOSED DECORATIVE FLOOR
  - PROPOSED CONFERENCE TABLES
  - PROPOSED ORNAMENTAL CASES, SHIELDS OR FINISHES
  - PROPOSED CHAIRS/SEATERS
  - SEATERS
  - PROPOSED BENCH
  - ROOF SLAB
  - PROPOSED DIRECTION FOR DRAINAGE
  - PROPOSED PAINT FINISHES
  - UNIT FUTURE

# LEVEL 300 - COMMON LANDSCAPE PODIUM

schedule: V  
RE-SUBMITTED JULY 6 2009

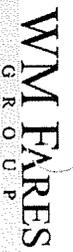




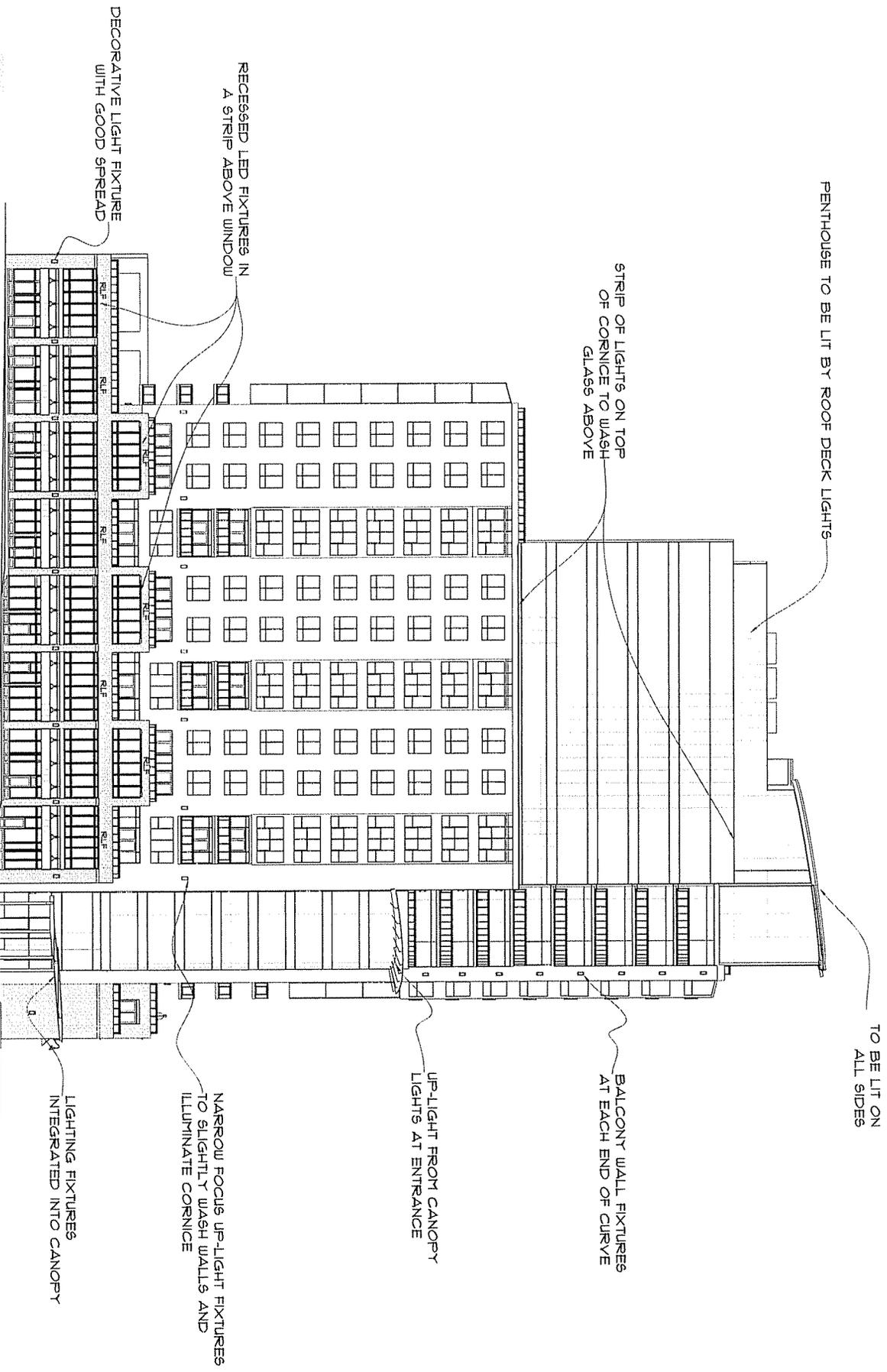
- LEGEND**
- PROPOSED PRECAST CONCRETE PAVERS
  - PROPOSED BLANKSTONE
  - PROPOSED DECIDUOUS TREE
  - PROPOSED CONIFEROUS TREESHUB
  - PROPOSED ORNAMENTAL GRASSES, SHRUBS OR PERENNIALS
  - PROPOSED GROUNDCOVER
  - BOULDERS
  - PROPOSED BENCH
  - ROOF DRAIN
  - PROPOSED DIRECTION FOR DRAINAGE
  - PROPOSED PATIO FURNISHINGS
  - LIGHT FIXTURE

# LEVEL 1400 - COMMON LANDSCAPE PODIUM

schedule: W

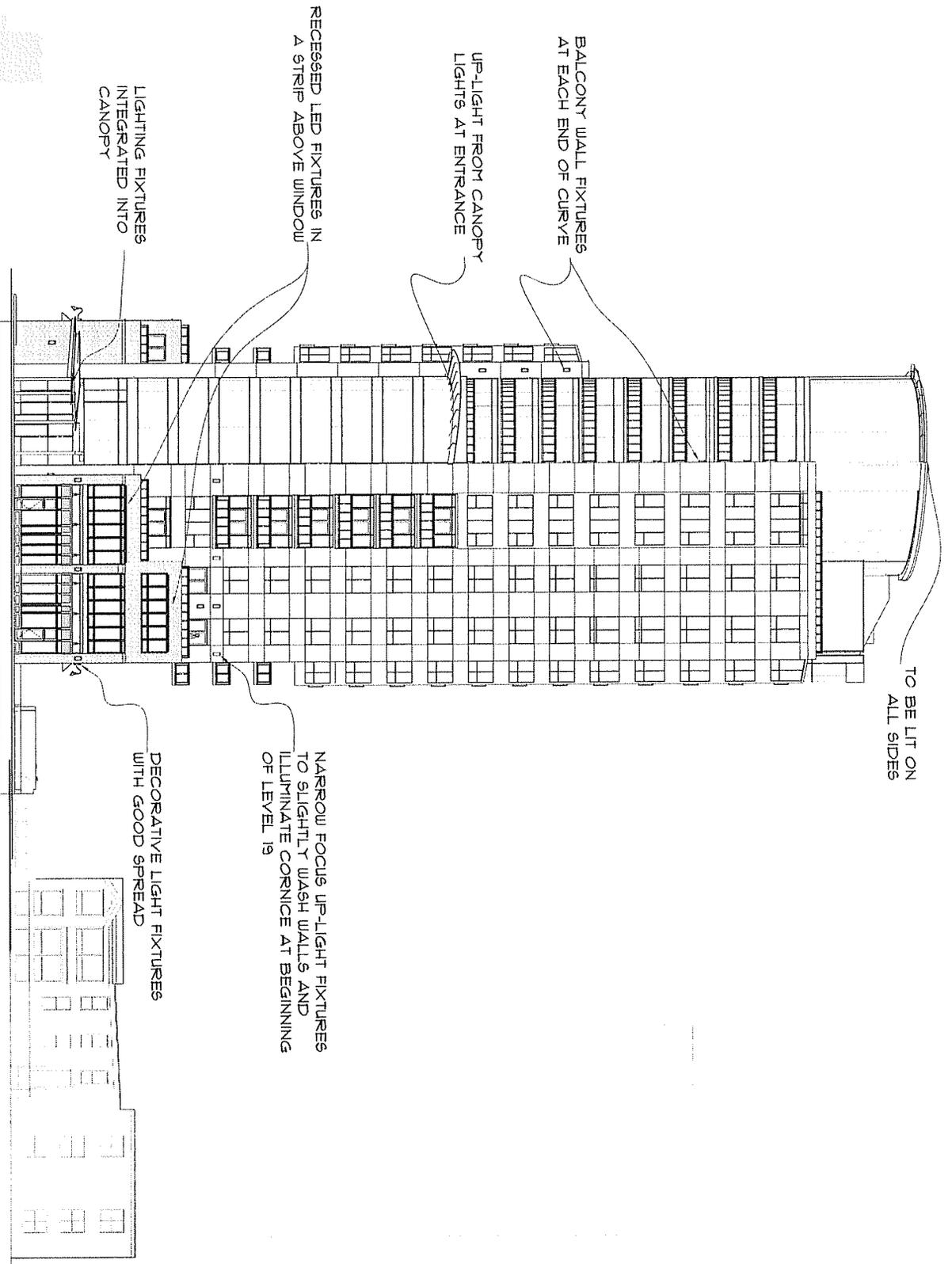


RE-SUBMITTED JULY 6 2009



# ELEVATION - South Park St. Lighting Scheme

schedule: X  
 RE-SUBMITTED: JULY 6 2009  
**WM FARES**  
 G R O U P

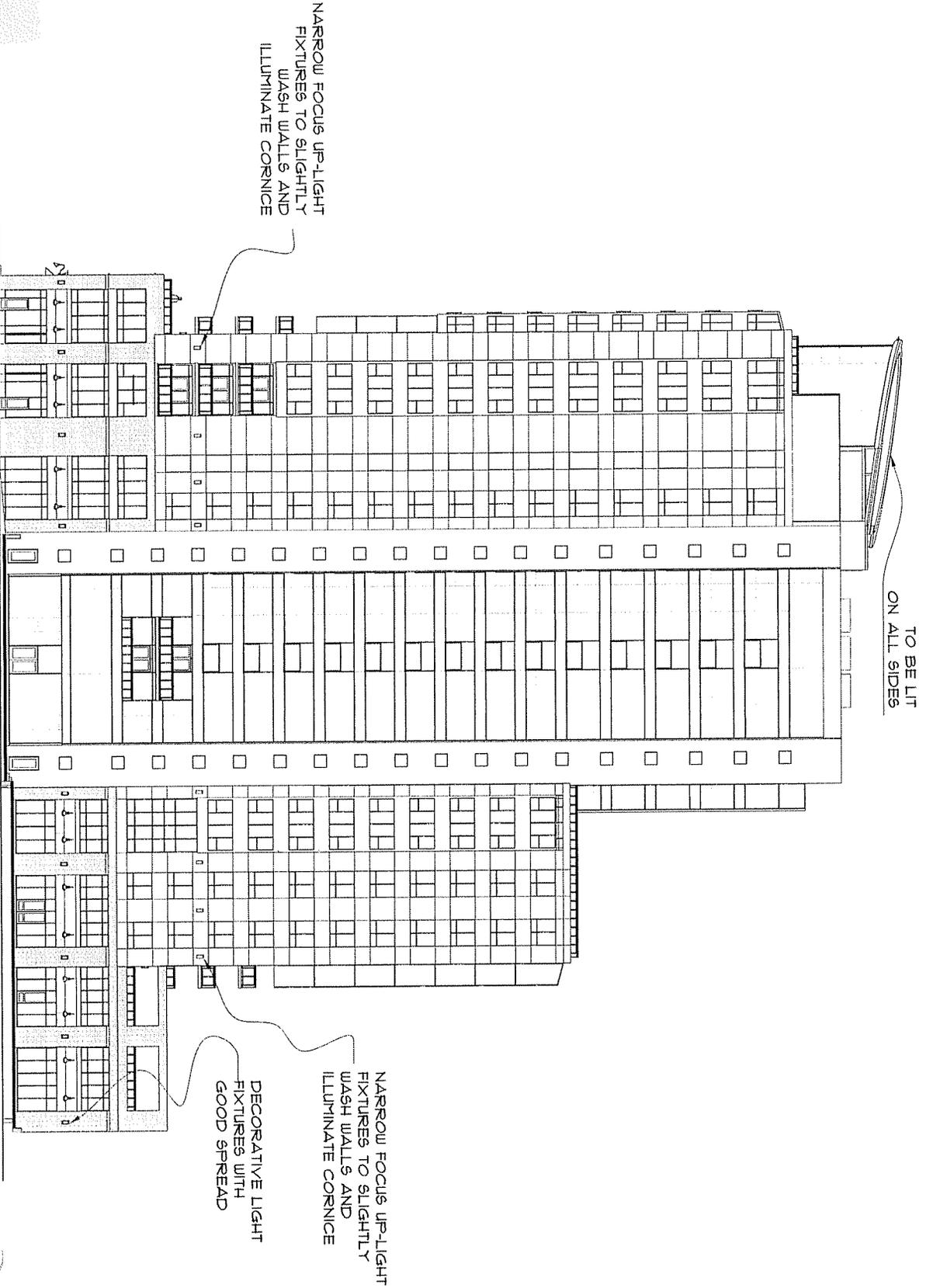


# ELEVATION - Brenton Pl. Lighting Scheme

schedule: Y



RE-SUBMITTED: JULY 6 2009



NARROW FOCUS UP-LIGHT  
 FIXTURES TO SLIGHTLY  
 WASH WALLS AND  
 ILLUMINATE CORNICE

TO BE LIT  
 ON ALL SIDES

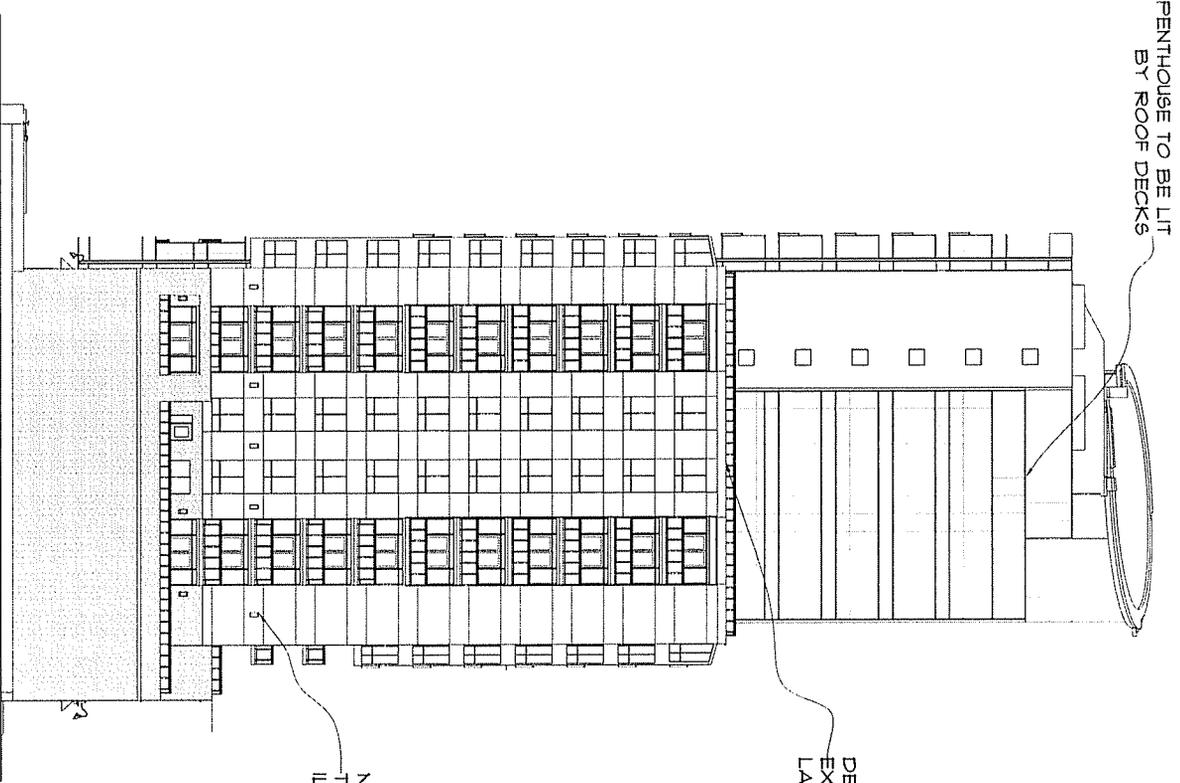
DECORATIVE LIGHT  
 FIXTURES WITH  
 GOOD SPREAD

NARROW FOCUS UP-LIGHT  
 FIXTURES TO SLIGHTLY  
 WASH WALLS AND  
 ILLUMINATE CORNICE

# ELEVATION - Brenton St. Lighting Scheme

schedule: Z  
 RE-SUBMITTED: JULY 6 2009





PENTHOUSE TO BE LIT  
BY ROOF DECKS

DECK ON LEVEL 3 AND LEVEL 14 WILL HAVE  
EXTERIOR LIGHTING INTEGRATED WITH  
LANDSCAPE ELEMENTS

NARROW FOCUS UP-LIGHT FIXTURES  
TO SLIGHTLY WASH WALLS AND  
ILLUMINATE CORNICE

# ELEVATION - Spring Garden Lighting Scheme

schedule: AA  
RE-SUBMITTED: JULY 6 2009



**Attachment B - Relevant Municipal Planning Strategy Policies**

City-Wide Objectives and Policies (Section II, Part II)

- 6.3.2 Within the area bounded by North Street, Robie Street and Inglis Street, no development shall be permitted that is visible over the top of the reconstructed earthworks on the Citadel ramparts, from an eye-level of 5.5 feet above ground level in the Parade Square of the Citadel.
- 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.

Spring Garden Road Commercial Area Plan (Section IX, Part II)

RMPS Policy For development exceeding 12 m in height in the area shown as Map 1, reference shall also be made to Policy EC-2 in the Regional Municipal Planning Strategy. Added (RC-June 27/06; E-August 26/06)

- 1.2 In areas designated "Residential-Commercial Mix", the City shall permit the following uses:
- (i) residential uses;
  - (ii) minor commercial uses, provided that in new buildings they are limited to the ground floor and basement levels, while in existing buildings they are permitted throughout the building;
  - (iii) commercial and residential uses in mixed use buildings shall have independent and direct access to the street;
  - (iv) lounges in association with restaurants, provided that the intensity of use and impact on the residential character of the area shall be controlled through the Land Use By-law by limiting the size of lounges and ensuring that they are subordinate to the associated restaurant; and
  - (v) public parking on the city owned Clyde Street parking lot bounded by Dresden Row, Clyde Street and Queen Street.
- 1.6 On the northeast corner of South Park Street and Brenton Place (1441-1467 South Park Street and 5679-5683 Brenton Place; PID # 40310021, 00125690, 00125708, 00125716, 00125682 and 40346710), the Municipality may permit, by development agreement, a mixed use residential/commercial building of up to 215 feet in height.

- 1.6.1 In considering an application under Policy 1.6, Council shall make reference to Policy EC-2 of the Regional Municipal Planning Strategy.
- 1.6.2 In considering an application under Policy 1.6, Council may permit minor commercial uses to occupy both the first and second storeys.
- 1.6.3 Any development permitted pursuant to Policy 1.6 shall comply with a setback of 30 feet from the eastern boundary of the consolidated lots.
- 1.6.4 Any development permitted pursuant to Policy 1.6 shall be exempt from angle control regulations prescribed under the Land Use By-law.
- 1.6.5 Any development permitted pursuant to Policy 1.6 shall be exempt from the open space requirements of the R-3 (Multiple Dwelling) Zone of the Land Use By-law.
- 1.6.6 For the purpose of calculating population density for any development permitted pursuant to Policy 1.6, the following population counts shall apply:
- (i) bachelor units shall be assigned one (1) person per unit;
  - (ii) one-bedroom units shall be assigned two (2) persons per unit; and,
  - (iii) all other dwelling units shall be assigned 2.25 persons per unit.
- 1.6.7 For the purpose of determining the amount of parking to be provided for any development permitted pursuant to Policy 1.6, each dwelling unit shall be assigned one (1) parking space, while the commercial portion of the development will not require the provision of parking. (RC-Jun 10/08;E-Aug 9/08)
- 2.2 New development on Spring Garden Road and South Park Street shall be sited on or close to the street line adjacent to the sidewalks to encourage the retention of a continuous street frontage of retail and other uses that promote pedestrian activity and interest.
- 2.3 New development on Spring Garden Road shall be designed to permit sunlight penetration to pedestrian level on the north side of Spring Garden Road for approximately six months of the year.
- 2.4 New development on Spring Garden Road and South Park Street should be designed to minimize the effect of air turbulence at pedestrian level on Spring Garden Road and South Park Street, by requiring the upper storey levels of buildings to be stepped back.
- 2.5 The City shall control the height of new development within the Spring Garden Road Commercial Area in the vicinity of Citadel Hill, pursuant to Policies 6.3, 6.3.1, 6.3.2, and 6.3.3 of Part II, Section II of this Plan.

- 2.6 The City shall seek to achieve a phased program for the burial or relocation of overhead electricity and telephone cables, particularly along Spring Garden Road.
- 2.7 New development on South Park Street should be designed to minimize its visual impact on the Public Gardens and Victoria Park, by maintaining a maximum height of 55 feet at the street line.

Regional Municipal Planning Strategy

EC-2 Within the Spring Garden Road Commercial Area Plan, HRM shall only consider new development or expansions to existing development greater than 12 metres in height by development agreement. When considering an application for a development agreement, in addition to the applicable policies of the Halifax Municipal Planning Strategy, including the Spring Garden Road Commercial Area Secondary Planning Strategy and the requirements of the Halifax Peninsula Land Use By-law, including requirements pertaining to height and setback of buildings, HRM shall consider the following:

- (a) sidewalk retail uses, including restaurants and cafes, shall be encouraged within the Capital District to bring life to the streetscape with the pedestrian activity that accompanies such uses;
- (b) new development should observe the front setbacks of adjacent buildings to maintain a consistent street wall, and should avoid large, incongruous setbacks that create gaps in the streetwall;
- (c) buildings should avoid long, un-interrupted blank walls, especially facing sidewalks or other public areas. Building wall articulations such as projections, recesses and expression of floor lines should be used to add variety to otherwise plain, unadorned building surfaces. At sidewalk level, no less than 50% of a building wall shall be composed of display windows and glass doors;
- (d) new developments should incorporate human scaled building elements in, at a minimum, the first three stories of development to enhance the pedestrian environment. Human scaled building elements range 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.);
- (e) for building facades along sidewalks and pedestrian routes, consideration should be given to weather protection for pedestrians through the use of decorative canopies and awnings;
- (f) public safety should be a consideration in the design of new buildings and the spaces they create to limit opportunities for crime. Special attention should be paid to the elimination of dead spaces, the introduction of pedestrian level lighting and to the provision of evening uses which encourage passive surveillance or "eyes on the street" after regular working hours;
- (g) the architecture of new or redeveloped buildings should be complementary to adjacent buildings of historic or landmark significance in terms of building height along the established street wall, materials, and structural rhythm. Traditional

building materials such as wood shingle and brick are preferred, however the creative use of modern building materials is acceptable where such use does not detract from the existing streetscape character;

- (h) the upper storeys of buildings should be designed to promote visual interest in the urban skyline;
- (i) consideration should be given to the maximization of sunlight at street level, and to the minimization of any wind tunnel effect;
- (j) usable common areas in residential developments should be provided where the size of the project and site conditions permit. Buildings should be arranged around larger contiguous common areas rather than providing more numerous but smaller and fragmented areas;
- (k) encouraging design at the interface of commercial areas and residential neighbourhoods that is compatible with residential uses, and discouraging adverse impacts on residential uses from noise, lighting, illuminated signage and commercial service areas; and
- (l) service areas for trash dumpsters and compactors, recycling bins, loading docks, mechanical equipment, fuel tanks, transformers and HVAC intake/exhaust vents should be located away from the street front. Those elements which, for operational reasons, cannot be located away from the street front should be attractively screened from view.