



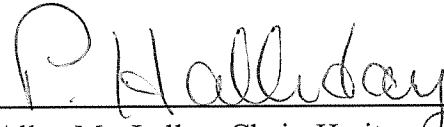
P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

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Halifax Regional Council  
February 18, 2003

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
for Allan MacLellan, Chair, Heritage Advisory Committee  
Regional Heritage Advisory Committee

**DATE:** February 6, 2003

**SUBJECT:** Case #00507: Application to amend the Development Agreement,  
Brenhold Limited, Halifax

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**ORIGIN**

November 27, 2002 meeting of the Heritage Advisory Committee.

**RECOMMENDATION**

The Heritage Advisory Committee **recommends** that Regional Council approve the building alterations and additions for the Brenhold Development at the corner of Spring Garden Road and Summer Street, Halifax, pursuant to the substantial alteration provisions of the Heritage Property Act, with the provision that the atrium commercial space not exceed 20 percent of the ground floor area of the atrium.

## **BACKGROUND**

See attached staff report dated November 4, 2002.

## **DISCUSSION**

This application was reviewed by the Heritage Advisory Committee at its meeting of November 27, 2002 (minute extract attached) and the Peninsula Community Council at its meeting of January 13, 2003 (minute extract attached).

## **ATTACHMENTS**

- 1) Staff report to the Heritage Advisory Committee and the Peninsula Community Council dated November 4, 2002.
- 2) Extract from November 27, 2002 Heritage Advisory Committee minutes
- 3) Extract from January 13, 2003 Peninsula Community Council

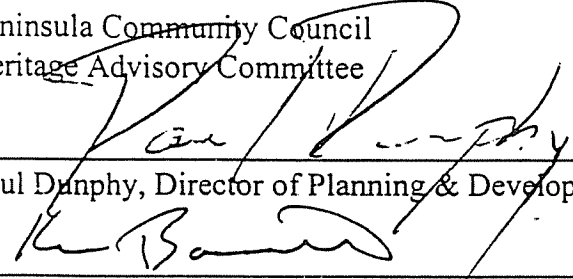
Additional copies of this report, and information on its status, can be obtained by contacting the office of the Municipal Clerk at 490-4210, or Fax 490-4208.


Report Prepared by: Patti Halliday, Assistant Municipal Clerk

Report Approved by: Allan MacLellan, Chair, Heritage Advisory Committee

Peninsula Community Council - December 9, 2002  
Heritage Advisory Committee - November 27, 2002

To: Peninsula Community Council  
Heritage Advisory Committee

Submitted by:   
Paul Dunphy, Director of Planning & Development Services

  
Kevin Barrett, Heritage Planner

Date: November 4, 2002

Subject: Case #00507: Application to amend the Development Agreement,  
Brenhold Limited, Halifax.

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**ORIGIN:**

Request by Garden Crest Development Limited to amend the development agreement for the Brenhold Development at the corner of Spring Garden Road and Summer Street, Halifax.

**RECOMMENDATION:**

It is recommended that Heritage Advisory Committee:

1. Recommend that Regional Council approve the building alterations and additions for the Brenhold Development at the corner of Spring Garden Road and Summer Street, Halifax, pursuant to the substantial alteration provisions of the Heritage Property Act.
2. Recommend that the Development Officer approve the revised landscape plan identified as Drawing L1, attached to this report.

It is recommended that Peninsula Community Council:

1. Give Notice of Motion to consider an application by Garden Crest Development Limited to amend the development agreement for the Brenhold Development Agreement and to schedule a public hearing for January 13, 2003.

(Recommendations continued on Page 2.)

2. Approve the amending development agreement, presented as Attachment II to this report, to permit facade improvements, a three storey atrium, a one storey atrium and professional office use on the second floor of the twelve storey residential building.
3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by 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.

**PLEASE RETAIN REPORT FOR PUBLIC HEARING**

**BACKGROUND:**

The Brenhold Development is being developed on the lands at the corner of Spring Garden Road and Summer Street in Halifax. The development agreement for the design of this project was originally approved by the City of Halifax in 1990 with a revised landscape plan approved by the Development Officer in 2001. The current owner of this development, Garden Crest Developments Limited, has made application in September 2002 to amend the original agreement.

**The Proposal:**

Garden Crest Development Limited is seeking amendments to the development agreement specifically for the three storey commercial and twelve storey residential buildings to be constructed along Spring Garden Road (refer to Attachment I). The proposed amendments would permit:

- facade improvements to the three storey commercial building (corner of Spring Garden Road and Summer Street);
- a glass atrium linkage between the twelve storey residential building and three storey commercial building;
- conversion of the second floor of the twelve storey residential building from residential use to professional office space;
- and a glass atrium on the main level of the twelve storey residential building along the Spring Garden Road facade.

### **Enabling Policy:**

The subject lands contain a registered heritage property known as the Garden Crest Apartment building. This property is registered with both the Halifax Regional Municipality and the Province of Nova Scotia. As such, Policy 6.8, Section II of the Halifax Municipal Planning Strategy provides the criteria for consideration of a development agreement involving a heritage property.

### **Public Comment:**

A public information meeting was held on October 28, 2002. The minutes of the meeting are provided in Attachment II.

### **Heritage Advisory Committee:**

The existing development agreement for this site contains provisions respecting a registered heritage property. As a result, the Heritage Advisory Committee (HAC) must provide a recommendation to Regional Council regarding any substantial changes to the site. This report is being presented to HAC at its session scheduled for November 27, 2002. HAC's recommendation should be provided to Regional Council following the review of the report and amending development agreement. Should the Committee find concern with the proposal, it should advise Peninsula Community Council (thru Regional Council) prior to the Public Hearing on the proposed amending agreement.

### **DISCUSSION:**

The following is an evaluation of the proposed development and amending development agreement for the subject lands in relation to applicable policies of the Halifax Municipal Planning Strategy (refer to Attachment III):

- Affect on the heritage value of any registered heritage building:

The proposal does not directly affect the Garden Crest Apartment building as any changes are to be limited to the new three storey commercial and twelve storey residential buildings.

- Integrity of any heritage property, streetscape or conservation area of which it is part:

The proposal includes a traditional design for the facade of the three storey commercial building. The design and material choice will be more appropriate for the context, which is near both the Garden Crest Apartment building and the Convent of the Sacred Heart, a building designed in the Victorian Eclectic style.

- Impact on Adjacent Uses:

The proposal does not involve any major changes to the overall proposal of the original development. The two enclosed glass atriums will assume 2450 sq. feet of the overall open space. Given the proposal will see an overall reduction of eight (8) residential units, and the revised landscape plan will provide more usable green space within the courtyard, the impact on the open space is reasonable.

The proposal would see the second floor of the twelve storey residential building converted from residential to professional office use. The impact would be a reduced demand for underground parking, which currently exceeds the required 130 spaces under the development agreement (216 parking spaces are proposed).

- Other Policy Considerations:

The proposal will not cause shadows on the Public Gardens (Policy 8.1.2, Section VI of the MPS), and the proposed facade design for the three storey commercial building will be complementary to the Gardens (Policy 6.4 of Section II).

The three storey atrium will create additional enclosed floor space between the commercial uses at the ground floor level. This space will be used solely as a link between the two commercial spaces and will not increase the overall commercial impact at this level. The single level atrium and the conversion of the second level to professional office space will increase the commercial use by 10,850 sq. feet. This increase is insignificant relative to the whole of Spring Garden Road, and is in keeping with the designated "Residential-Commercial Mix" designation of the site.

Policy 8.6, Section II of the MPS directs that new developments should not create adverse wind effects. As noted in the report for the original development agreement, a wind study was completed (by Rowan, Williams, Davies & Irwin Inc., Guelph, Ontario). The study found the development would not produce adverse wind conditions on or around the development site. The development of the proposed atrium between the two buildings should not affect the assumptions nor the conclusions made in the original wind study.

## **Conclusion:**

The proposal satisfies the policies in the Halifax Municipal Planning Strategy. For the reasons contained in this report, staff recommend approval of the amending development agreement. Additionally, with the development of the proposed atriums, the landscape plan which forms part of the development agreement has been revised. According to Section 6 of the agreement, the HAC

is to advise the Development Officer prior to final approval of the landscape plan. Staff interprets this to include any revisions and this has been reflected in the staff recommendations.

**BUDGET IMPLICATIONS:**

None.

**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. Council may refuse to enter into the development agreement, and in doing so, must provide reasons based on conflict with existing Plan Policy. Staff does not recommend this alternative, based on the policy analysis contained in this report.
2. Council may choose to propose modifications to the development agreement. Such modifications may require further negotiations with the developer. This alternative is not recommended for the reasons described above.

**ATTACHMENTS**

- |     |   |
|-----|---|
| I   | - Draft Amending Development Agreement  |
| II  | - Minutes of Public Information Meeting |
| III | - Relevant MPS Policies                 |

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Report prepared by Kevin Barrett, Planning Services, ph. 490-4419

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**Attachment I**

THIS AMENDING AGREEMENT made this       day of       , 2003  
BETWEEN:

**Garden Crest Development Limited,**  
a body corporate, in the County of  
Halifax, Province of Nova Scotia,  
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY,**  
a municipal body corporate,  
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer and the Municipality have previously entered into a development agreement to permit construction of an eleven storey residential building, restore and reconstruct 1538-48 Summer Street (Garden Crest Apartments), a twelve storey residential building with the first level for commercial use, and a three storey commercial building at the northwest corner of the intersection of Spring Garden Road and Summer Street in Peninsula Halifax pursuant to Section 85 of the Halifax Peninsula Land Use Bylaw, the said agreement being recorded at the Registry of Deeds in Book 5668 at Pages 997 - 1003 (hereinafter called the "Existing Agreement").

AND WHEREAS the Developer has requested an amendment to the Existing Agreement to enable a design change of the buildings and a change of use in the twelve storey residential building;

AND WHEREAS the Peninsula Community Council of Halifax Regional Municipality, at its meeting on the       day of       , 2003, approved the requested amendment, referenced as Municipal Case Number 00507;

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



1. Clause 2 of the Existing Agreement is hereby amended to read as follows:

"The Developer shall construct on the lands a development, which in the opinion of the Development Officer, is substantially in conformance with Plan(s) No. P200/17951, 17954-56, 17960-62 filed in the City of Halifax Development and Planning Department as Case No.5621, and Plan(s) No. A3, A3.1, A3.2, A4, A4.1 - A4.3, A5 and L1 filed in the Halifax Regional Municipality Development and Planning Department as Case No. 00507 and shall not develop or use the lands for any other purpose other than a mixed residential/commercial development."

2. Clause 3 (paragraph 5) of the Existing Agreement is hereby amended to read as follows:

"- a 12 storey residential building adjacent to the southwest corner of the lands, the ground floor levels to be used for commercial and indoor amenity space and the second floor levels to be used for professional offices or residential use;"

3. Clause 3 (paragraph 7) of the Existing Agreement is hereby amended to read as follows:

"-at the Developer's discretion, the use of an area between the south condominium building and the south property line for an outdoor restaurant that maybe enclosed with an atrium not more than 650 square feet in area;"

4. The Existing Agreement is hereby amended by adding Clause 3 (paragraph 8) to read as follows:

"- a three storey atrium to connect the twelve storey residential building with the three storey commercial building, the first floor for common use, a corridor bridge on the second level, and the third floor to provide a barrier-free access from the 'Area of Refuge' to the firefighters elevator within the 12 storey residential building.

Time shall be of the essence of this amending agreement.

This amending agreement shall be binding upon the Parties hereto and their heirs, successors and assigns."

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals as of the day and year first above written.

SIGNED, SEALED AND DELIVERED) GARDEN CREST DEVELOPMENT LIMITED

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) Per \_\_\_\_\_

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) HALIFAX REGIONAL MUNICIPALITY,

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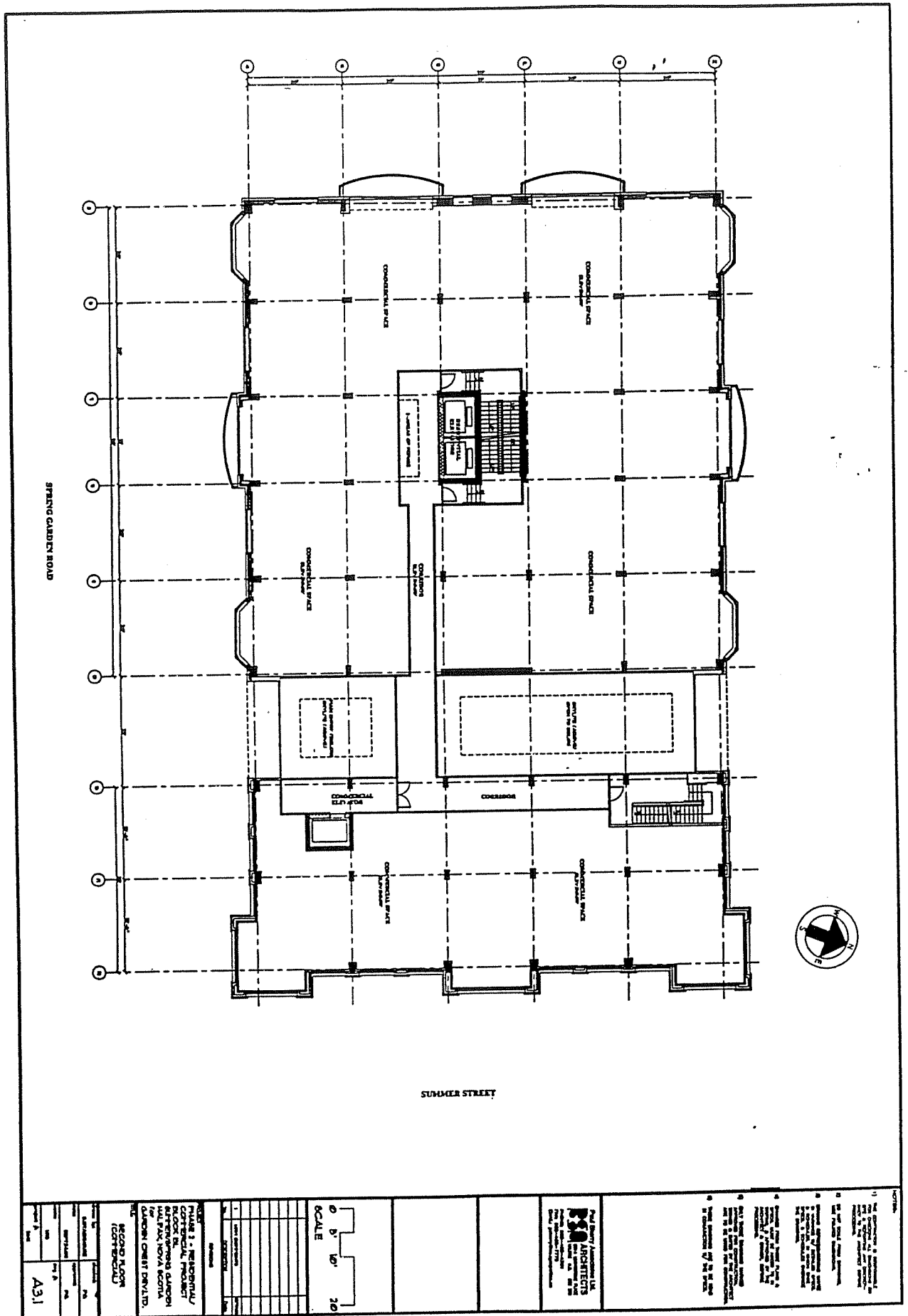
Mayor

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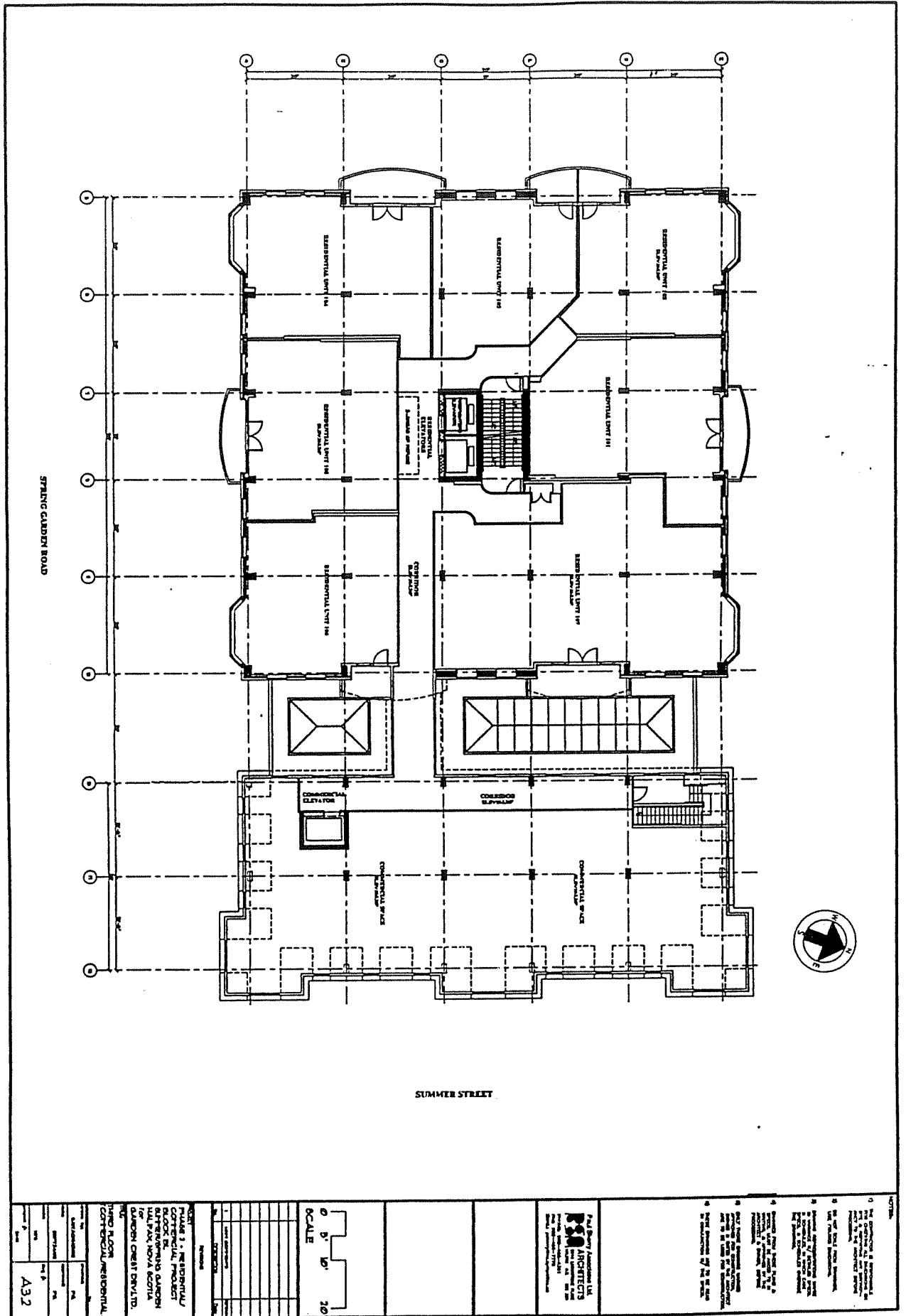
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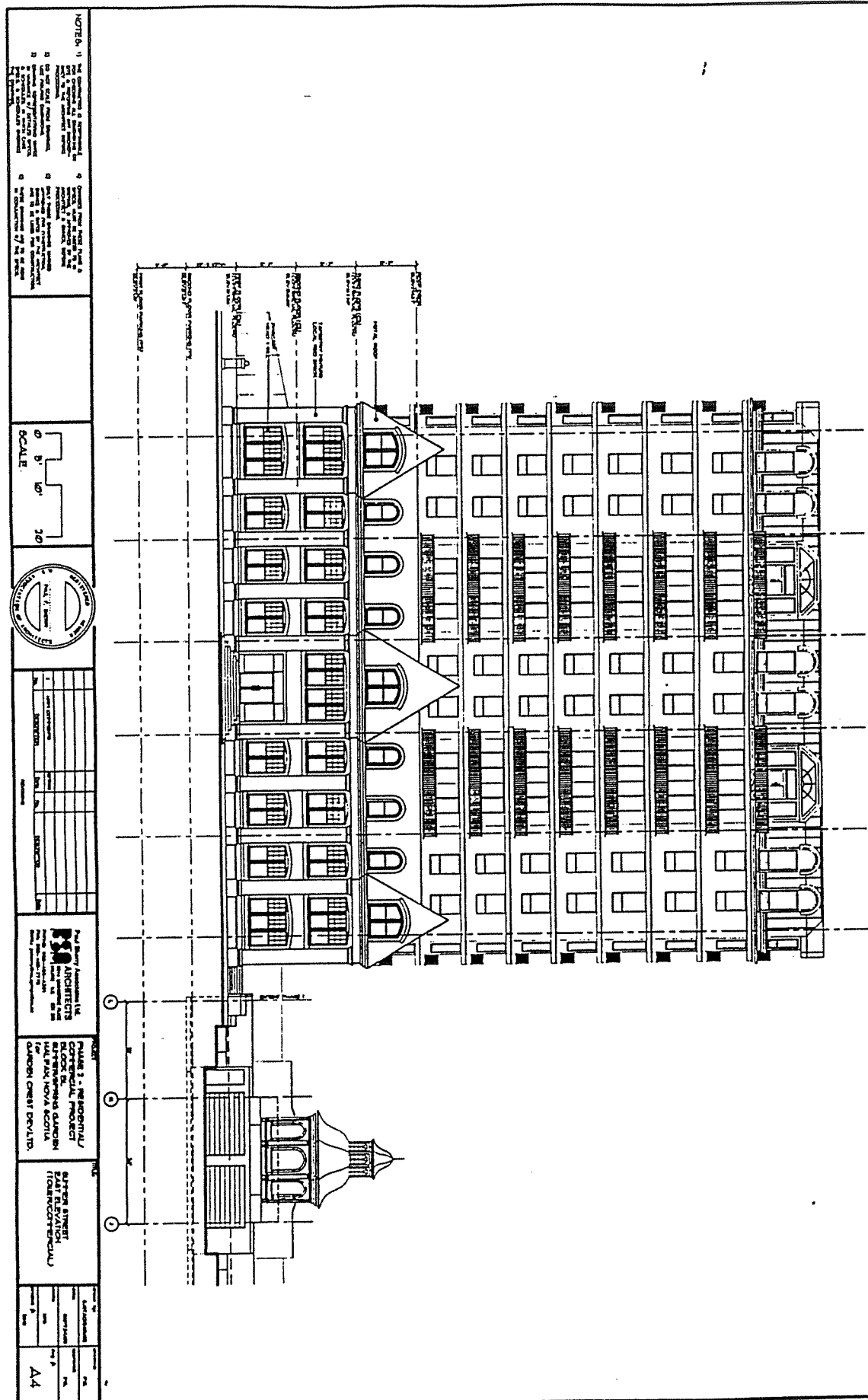
Municipal Clerk

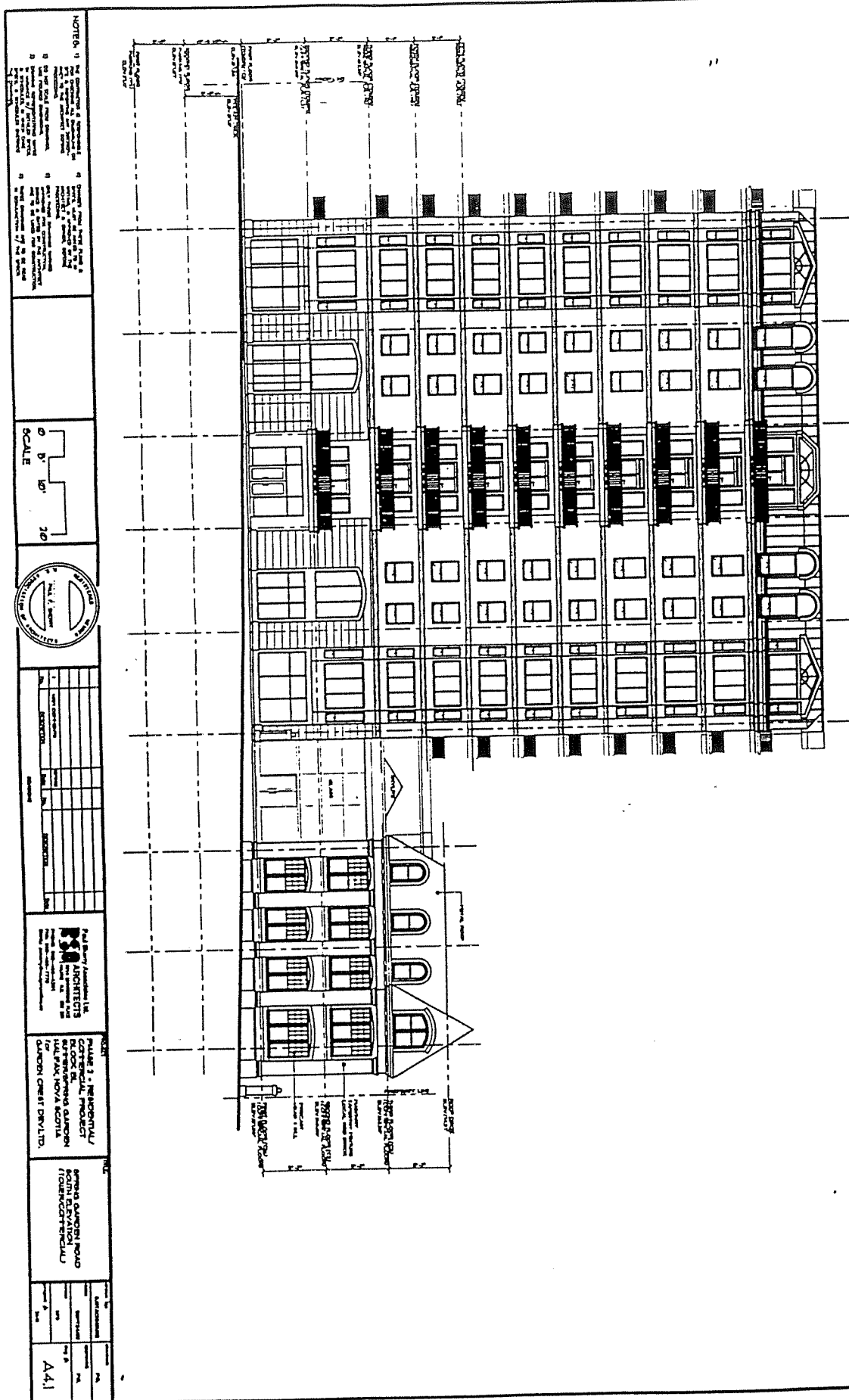


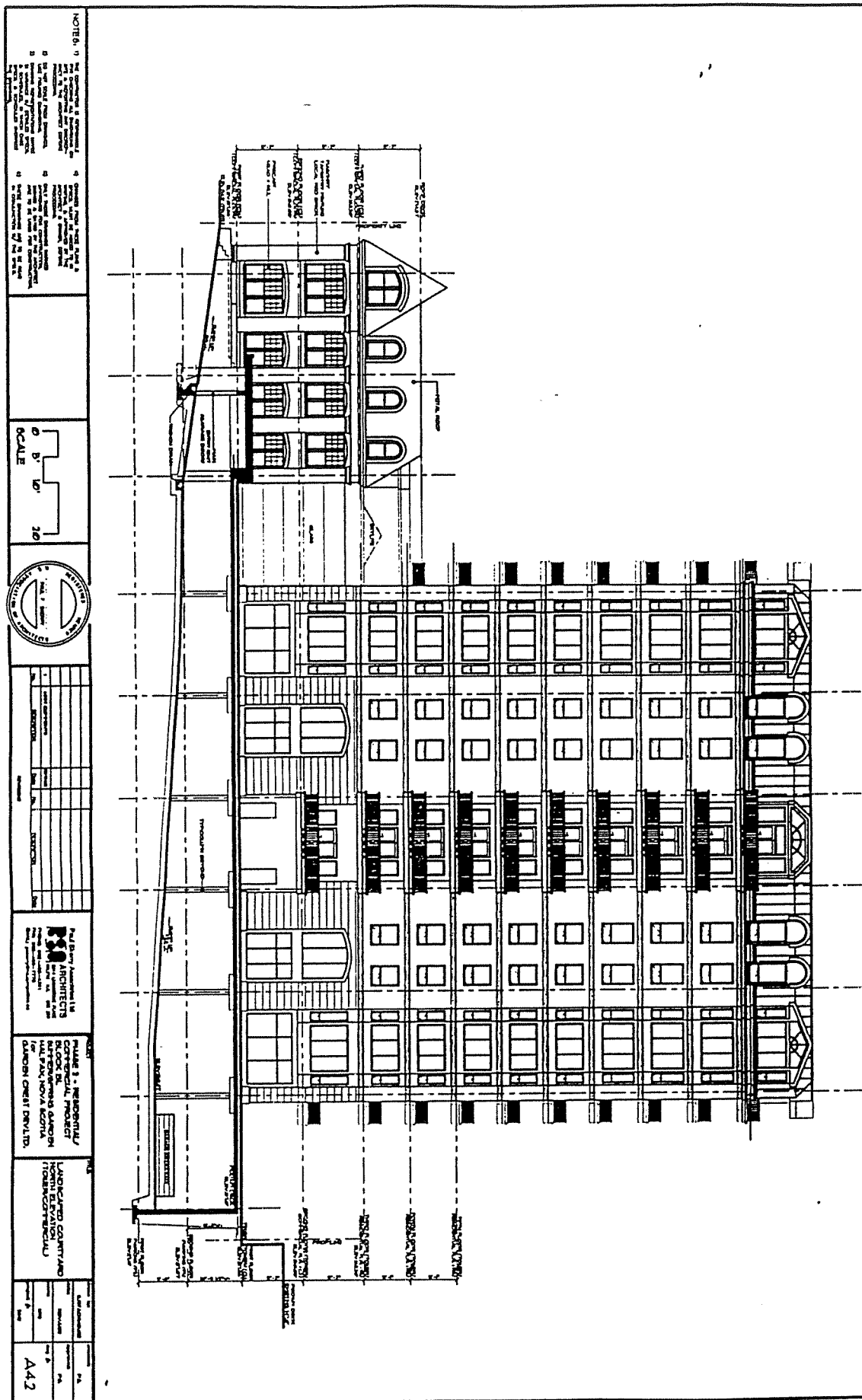


<p>Paul Smart Architects Ltd.  <b>PSA</b> ARCHITECTS          100-102 Spring Garden Road, 3rd Floor          St. John's, NL A1B 1X6          Tel: (709) 596-1111          Fax: (709) 596-1112          Email: paul@psaarchitects.com</p>		<p>1. The Architect is responsible for the design and construction of the building.          2. The Architect is responsible for the design and construction of the building.          3. The Architect is responsible for the design and construction of the building.          4. The Architect is responsible for the design and construction of the building.          5. The Architect is responsible for the design and construction of the building.          6. The Architect is responsible for the design and construction of the building.          7. The Architect is responsible for the design and construction of the building.          8. The Architect is responsible for the design and construction of the building.          9. The Architect is responsible for the design and construction of the building.          10. The Architect is responsible for the design and construction of the building.</p>	
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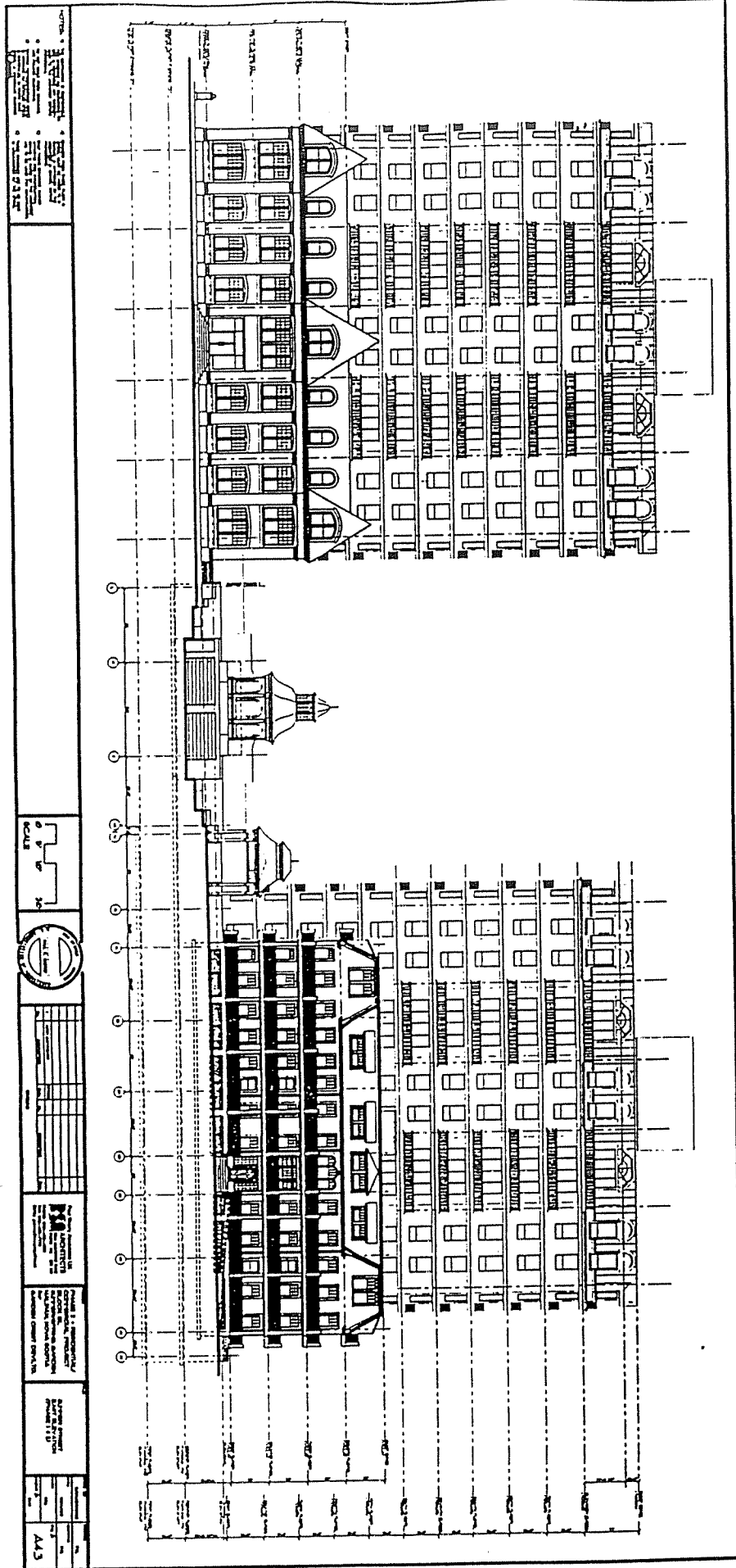












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**P&J Cherry Associates Ltd.**  
**P&J ARCHITECTS**  
100 UNIVERSITY PLACE  
SUITE 1100 TORONTO ONT M5G 1C7 CANADA  
TEL: 968-4600 FAX: 968-4601  
WWW.PJA.ASIA

PHASE 1 - PRELIMINARY  
COMMERCIAL PROJECT  
BLOOD BL.  
SUFFERING FROM GARDEN  
WILFAX NOVA SCOTIA  
FOR  
GARDEN CREST DEVELOP.

ELDORADO  
THRU AIRMAIL LINE  
(COMMERCIAL)

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Attachment II

Public Information Meeting Minutes  
(Case 00507)  
October 28, 2002

In attendance: Councillor Sloane  
Kevin Barrett, Planner  
Gail Harnish, Planning & Development Services  
Paul Skerry, Architect  
Danny Chedrawe, Applicant

**Mr. Kevin Barrett** called the meeting to order at approximately 7:00 p.m. in Halifax Hall, noting the purpose was to consider an amendment to the existing Brenhold development agreement. He reviewed the amending development agreement process, pointing out that because it is a heritage property, the application will also have to go through the Heritage Advisory Committee.

**Mr. Danny Chedrawe**, representing Garden Crest Development Limited and developer, stated they began construction on Phase 1 which will be finished in the spring of 2003. Phase 2 is proposed to start in the spring of 2003.

Mr. Chedrawe indicated they were interested in redesigning the corner of Spring Garden Road and Summer Street. They felt the original design from the 1980's does not suit what they have been trying to achieve. They are looking for it to be more significant in terms of architectural appearance and to resemble the traditional Halifax architecture. They are also looking at red brick and granite which represents more buildings in the area such as the Sacred Heart building and the Dalhousie Dentist School. They want to do a nice job of completing that corner.

Mr. Chedrawe advised they were also applying for a few modifications in terms of circulation. They felt the close proximity between the two buildings is not conducive to year round use so they want to glass it in with a glass atrium. They are also looking at the second floor of the tower and are thinking that residential development on that floor may not be as appealing as commercial space.

Mr. Chedrawe indicated they were also proposing a new atrium along Spring Garden Road. A restaurant and atrium would provide year round use rather than seasonal use of the patio.

**Mr. Paul Skerry** noted they have two approved contracts for two higher buildings - one 11 storey building and one 12 storey building. They tend to sit at the back of the site. In front of them are two

low rise buildings; Garden Crest which is in the process of being rebuilt, and the other building which is conceived as a 3 storey commercial building. The idea was to reduce the scale along Summer Street to make it more of a Halifax street. They expect to see quite a bit of interaction along Summer Street with pedestrians.

Mr. Skerry indicated the main access to the second building would be Spring Garden Road. They want to focus attention at ground level with architectural detail. The development agreement also dictates what these buildings will look like. They are not happy with the way the building proposed for the corner looks. It looks like a Bayers Lake kind of building --a modern architectural building. What they want to do is introduce more of a traditional look.

Mr. Skerry referred members of the public to the elevations handout, noting they have proposed a building of a rather simple architecture with some mansard roof lines and spires which look along Spring Garden Road and which Halifax people think of as Maritime in a way, and historic in a way, and they like that idea.

Mr. Skerry indicated the reason they are proposing this is not because they like to have disturbance in the development process but because they think they can improve things. There is a big financial commitment as well as the time and effort by the developer and a sense of pride. They are getting good feedback from the people buying in the first phase.

Mr. Skerry advised they are considering the idea of linking the commercial building on the corner with the second of the towers. What is proposed in the development agreement is a 22' space between the two buildings. Twenty feet in this climate between a four storey and a twelve storey building will be a wind tunnel. They are told nothing will grow in there. It will not be a desirable space and they do not feel comfortable with it. They are doing it in Phase 1 but are not comfortable with it. They are proposing to link that building to a higher building with a transparent atrium so that they can see the two buildings as separate entities with transparent light. They can control the environment and the intervening space and use it more effectively. Also the scale of the commercial building is so small that by the time you put in an elevator and stairs there is not much room. They can put an elevator and one stairway in the commercial building and cross-connect to the other building and put in a second stairway in that building.

Mr. Skerry referenced the second floor of the tower which is conceived in the development agreement as a residential tower with commercial on the first floor. When they cross-connect it with the commercial building, it is unconventional to have the second floor as residential. The apartments on one side would be looking into this atrium which is unconventional and not desirable from a residential point of view. They feel it is more marketable as a commercial office space. They are suggesting this change because of the way the buildings are connected. From there up, the building would revert back to a residential nature.

Mr. Skerry indicated that in the development agreement they now have the ability to put a restaurant or something that would come out of the front of the tower. There might be an outdoor patio so that people walking down Spring Garden Road would use the front of the building for pedestrian activities. The original development agreement allows for that to happen but what they foresee is that this would become quite popular and, Halifax being Halifax, from this time of year until April, it is "dodgy" whether you can sit outside. Glazing it in is a departure from the original development agreement. They are suggesting that the outdoor patio that serves the commercial in the front could be glazed in.

Mr. Skerry stated they are not attempting to change the scale or the nature of the building except for the items mentioned. The major issue for them is the connection of the two buildings and the architecture of the commercial building.

A letter received from Mr. Philip Pacey dated October 28, 2002, was read into the record.

**Ms. Elizabeth Craig** asked for confirmation that there are four separate buildings.

Mr. Barrett responded yes, noting that the two presented tonight are the ones on the corner of Spring Garden Road and Summer Street. As you go further down there is also Garden Crest which is the facade Mr. Pacey was referencing. Behind that is another condominium tower.

Ms. Craig questioned where the access would be.

Mr. Barrett responded there would be a main entrance along Summer Street to get into the back corner. That has already been approved under the terms of the existing development agreement. There is a section in that agreement that identifies what the Heritage Advisory Committee would comment on. A landscaping plan was recently reviewed and approved for this entire development which addressed the entranceway into the back tower. It is in accordance with the original development agreement.

Mr. Skerry referenced the building that stands behind Garden Crest noting there is a covered canopy that comes out to the street. In and around the two buildings is the landscaped podium which is close to street level. It creates a landscaped environment around the four buildings but you have to walk across to get to the building behind. Underneath all four buildings are two levels of underground parking. Because the site is intensively utilized for residential development, there is a high demand for parking.

It was confirmed that the first tower entrance is off Summer Street, the second tower entrance is off Spring Garden Road, and the parking entrance is off Summer Street.

Ms. Craig questioned whether all traffic would have to turn right.

Mr. Barrett indicated that the main access would be off Summer Street. There is a service access for vehicles off Spring Garden Road. Originally it was proposed to be off Summer Street but it was felt to be a hardship so they created an underground parking entrance off Summer Street.

Mr. Skerry advised that there is a cross-over at the boulevard being shifted so that you can turn left.

Ms. Craig commented that the traffic volumes would increase.

**Ms. Amanda Margison**, CBC, questioned whether consideration was given to traffic.

Mr. Barrett responded yes, noting that the original proposal was reviewed by our Traffic Authority and was acceptable.

Ms. Margison questioned whether the boulevard would stay the same and whether the streets would be widened.

Mr. Skerry advised they are only re-aligning the opening that is already there. In fact, it turns out there was a tree in the boulevard from Ireland that was quite special.

**Mr. Graham Read** indicated it was his understanding that the atrium would replace landscaped open space.

Mr. Skerry noted there is a 20' space between a four and a two storey building. His experience has been that it will be a wind tunnel and plants will not grow in there.

Mr. Read pointed out that it was originally supposed to be landscaped open space which they will lose. He questioned whether they have a net increase or decrease in the landscaped open space as a result of these changes and whether it was an increase or a decrease in the footprint.

Mr. Skerry advised they have an increase in the footprint of the structure because of the connection. If the area between the two buildings is enclosed and restricted from the net lot area, then they have a decrease. In the original agreement there was vehicles access in the middle where the cul de sac is but that is gone. It would have been a vehicle travelway.

Mr. Graham suggested Council could say it is logical to have the atrium but they should live with the spirit of the original development agreement and maintain the same amount of landscaped open space and building footprint.

Mr. Danny Chedrawe advised that the original development agreement called for the two towers to be connected with a glass link. They elected to remove it which they accomplished without going through this process. He agreed there is a net increase in open space if you look at the entire development because they removed the glass link between the two towers of the original agreement and they removed the turn-around circle and replaced it with green open space.

Mr. Reid commented it appeared that the net is zero from the original agreement.

**Mr. Chedrawe** stated this has been a very controversial development from day one. Garden Crest did not evolve until 1999. Until then there was a lot of history. In terms of public process and the Friends of the Public Gardens and the Heritage Trust of Nova Scotia, he did not think anybody involved in the last ten years can say this project went ahead without a hitch. There will never be 100% satisfaction. In this development they did follow what was agreed to. The agreement took years to get finalized and reached the Supreme Court of Canada and was challenged for years. There

are some people who feel this development should not have gone forward. 70% of the first phase is sold out. The second phase will begin construction in February of 2003.

Mr. Chedrawe noted the process this evening is not to go back and look at the entire agreement. They have the ability to make a change that enhances or is good for development and it has to do with appearance. He noted Mr. Pacey refers to Section 6.2 of the Heritage Act where if you have a heritage building you can apply to make changes to the MPS to allow you to do other things for the sake of saving heritage. Everybody is fully aware of what they were going to do with the facade. People have been continually asking him. When March of next year comes and the tarps come off, the building will look like it did before they stripped it down to what exists today. The only difference is that it will have a warmer colour.

Mr. Chedrawe stated they feel they can do better on the design of the building on the corner of Spring Garden Road and Summer Street. The design that exists does not reflect the traditional architectural especially in that area of Halifax where there is a lot of historical significance. 80% of the heritage properties exist in Halifax Peninsula. They feel it would be good to change the facade to make it more sympathetic to the Halifax architecture. This process is focused on the building on the corner and making it more traditional looking. They are fully committed to taking this project to the end and making it look good. The effort is there and the willingness is there. Although controversial, they hope it will be one of the nicest developments in Halifax.

**Mr. Read** said he supported Mr. Pacey's comments. His main interest was the height of the building which has been dealt with and felt that the various councils that have dealt with it have made the wrong decision, ie., excessive shadows in the Public Gardens. It used to be that if you stood in the middle of the Public Gardens all you saw was trees and blue sky and it seemed larger than the



physical dimensions. The most sympathetic change would have been to take off 1-2 storeys off the top of the structure to minimize the impact on the Public Gardens. He hoped that when future councils deal with nearby structures they will take that into consideration.

**Mr. Barrett** advised the comments received tonight will be used for background in terms of the report. A report will to the Heritage Advisory Committee and then onto Community Council and Regional Council. The public hearing will be advertised.

The meeting adjourned at approximately 7:45 p.m.

**Attachment III**

**RELEVANT POLICIES**

**SECTION II**

**CITY-WIDE OBJECTIVES AND POLICIES**

- 6.8 In any building, part of a building, or on any lot on which a registered heritage building is situated, the owner may apply to the City for a development agreement for any development or change in use not otherwise permitted by the land use designation and zone subject to the following considerations:
- (i) that any registered heritage building covered by the agreement shall not be altered in any way to diminish its heritage value;
  - (ii) that any development must maintain the integrity of any registered heritage property, streetscape or conservation area of which it is part;
  - (iii) that any adjacent uses, particularly residential use are not unduly disrupted as a result of traffic generation, noise, hours of operation, parking requirements and such other land use impacts as may be required as part of a development;
  - (iv) that any development substantially complies with the policies of this plan and in particular the objectives and policies as they relate to heritage resources.

**SECTION II**

**CITY-WIDE OBJECTIVES AND POLICIES**

- 6.4 The City shall attempt to maintain the integrity of those areas, sites, streetscapes, structures, and/or conditions which are retained through encouragement of sensitive and complementary architecture in their immediate environs.

## **SECTION II**

### **CITY-WIDE OBJECTIVES AND POLICIES**

- 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.

## **SECTION VI**

### **PENINSULA CENTRE AREA PLAN OBJECTIVES AND POLICIES**

- 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.



**3.3 Case 00507 - Application to Amend the Development Agreement, Brenhold Limited, Halifax**

- A staff report prepared for Paul Dunphy, Director, Planning and Development Services, regarding the above, was before the Committee for its consideration.

With the use of WP Presentations, Mr. Barrett presented the staff report to the Committee, which recommended the following:

*That the Heritage Advisory Committee:*

1. *Recommend that Regional Council approve the building alterations and additions for the Brenhold Development at the corner of Spring Garden Road and Summer Street, Halifax, pursuant to the substantial alteration provisions of the Heritage Property Act.*
2. *Recommend that the Development Officer approve the revised landscape plan identified as Drawing L1, attached to the staff report dated November 4, 2002.*

Mr. Danny Chedrawe, proponent, addressed the Committee making the following points:

- The original development agreement included a design for a modern building which had no reflection of the surrounding area, including several heritage buildings, which he did not believe was appropriate.
- The proposal was redesigned to a more traditional Halifax look to complement the Garden Crest building as it was felt it was important to enhance this building.
- There is only 20 feet between the two buildings and this area acts as a wind tunnel. The area is not conducive to growing plant life, therefore, it is proposed to put a glass link in to join the two buildings.
- The glass material of the link will maintain the character of two separate buildings. It can be used for a variety of purposes: a reception area, public art display, additional seating for a restaurant, etc.
- There is also an atrium proposed for the corner which may or may not be built. This atrium would address the issue of temporary outdoor sidewalk cafes. The proponent would prefer to have something permanent in place rather than a temporary structure of pressure treated wood.

In response to Mr. Chedrawe's comments, Mr. Barrett stated staff felt the three storey atrium was reasonable and have no concerns with the proposed uses. However, he noted the Committee may wish to discuss the proposed additional commercial space,

which may be reasonable only to certain degree. Mr. Barrett suggested the Committee could give some consideration to how much, if any, of that space should be used for commercial.

During the discussion of the proposal, the Committee raised a couple of concerns. Ms. Grant expressed concern with the fake heritage look of the building. Councillor Uteck expressed concern with the glassing in of open space and commercializing it. She suggested that a maximum of 20 percent of the space be permitted for commercial. In response, Mr. Chedrawe questioned the use of the word "commercialization" stating he just wants to have the ability to have a common open space and be able to put things such as benches, bank machine, etc., in it at some point in time without having to come back for a further amendment to the development agreement.

With respect to the use of the atrium, Mr. Barrett stated staff's opinion of the common space would be to consider benching, reception area, bank machine/kiosk, etc., but he agreed with those members expressing concern about commercial use and stated that should not be the focus of the link.

Following a further discussion, the following motion was put on the floor:

**MOVED by Councillor Uteck, seconded by Margo Grant, that the Heritage Advisory Committee:**

- 1. Recommend that Regional Council approve the building alterations and additions for the Brenhold Development at the corner of Spring Garden Road and Summer Street, Halifax, pursuant to the substantial alteration provisions of the Heritage Property Act, *with the provision that the atrium commercial space not exceed 20 percent of the ground floor area of the atrium.***
- 2. Recommend that the Development Officer approve the revised landscape plan identified as Drawing L1, attached to the staff report dated November 4, 2002.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.1 Case 00507 - Application to Amend the Development Agreement, Brenhold Limited, Halifax**

1. First Reading was given to this matter on December 9, 2002.

Mr. Kevin Barrett, Heritage Planner, addressed Council briefly reviewing the application to amend the development agreement for the Brenhold Development at the corner of Spring Garden Road and Summer Street as found in the staff report dated November 4, 2003. Mr. Barrett noted that the applicant has requested a further amendment to the their proposal which would provide for limited commercial use on the ground floor of the atrium.

Mr. Barrett noted that he had received calls from the public expressing concern regarding the height of the building. Mr. Barrett assured Community Council and the public that the amendments being considered tonight in no way impacted the previously approved height of the buildings. In conclusion, Mr. Barrett indicated that staff was recommending approval of the application, with the proposed further amendment outlined above.

Mr. Barrett then responded to questions from members of Community Council.

**Mr. Blair Bead, 6467 Summit Street**

Mr. Bead expressed concern regarding the possible future use of the proposed second floor commercial space. He suggested that if a group of doctors were to locate in this space, this would only add to the parking difficulties being experienced in the area.

**Mr. Danny Chedrawe, Garden Crest Development Limited**

Mr. Chedrawe, the applicant, addressed Community Council briefly reviewing the proposed amendments. Mr. Chedrawe made the following points relative to the proposed amendments:

2. an atrium would be a much more attractive and safe alternative to an alleyway between two buildings
3. a glass atrium on Spring Garden Road is preferable to a simple outdoor patio
4. residential space on the second floor would not be quality space, the provision for professional office space results in a better residential environment
5. underground parking has been doubled within the Development Agreement
6. a service courtyard has been included to handle deliveries and maintenance trucks

In conclusion, Mr. Chedrawe indicated that he believed this amendment was a positive

move which improves the overall development.

**Mr. Bill Jordan, President, Friends of the Public Gardens**

Mr. Jordan addressed Community Council noting that this development was initially approved in the 1980s. Subsequent to that an amendment had been approved to the agreement without a public hearing. Mr. Jordan noted that the Court of Appeal has already commented on this agreement. Mr. Jordan went on to emphasize the need to maintain the facade. He expressed concern that the elevator housing which appears in the new drawings extended beyond the approved height of the building.

In response, Mr. Barrett indicated that the elevator housing had been included in the original drawings. Under By-law 71 there is a height exception for elevator enclosures/mechanical equipment. If the area does not exceed 10% of the total roof, there is no height restriction placed on such enclosures.

In conclusion, Mr. Jordan submitted that the proposed change is significant and goes against the ruling of Mr. Justice Hall and the Court of Appeal, insofar, as it does not maintain the heritage value and character of that building.

The Chair called three times for persons wishing to speak and hearing none it was **MOVED by Councillor Blumenthal, seconded by Councillor Uteck that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Sloane directed a number of questions to Mr. Barrett and noted that she also had a number of questions from a resident which she would forward to Mr. Barrett for response.

**MOVED by Councillor Sloane, seconded by Councillor Uteck that Peninsula Community Council:**

1. **Adopt the amendment development agreement, presented as Attachment II to the November 4, 2002 staff report, to permit facade improvements, a three storey atrium, a one storey atrium and professional office use on the second floor of the twelve story residential building.**
2. **Further amend Part 4, page 7 as follows:**
  4. **The Existing Agreement shall be amended by adding Clause 3 (paragraph 8) to read as follows:**
    - a three storey atrium to connect the twelve storey residential



building with the three storey commercial building, the first floor for common use *and limited commercial use (commercial use not to exceed twenty (20) percent of the total ground floor area of this atrium)*, a corridor bridge on the second level, and the third floor to provide a barrier-free access from the ' Area of Refuge' to the firefighters elevator within the 12 storey residential building.

3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community 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.

MOTION PUT AND PASSED UNANIMOUSLY.