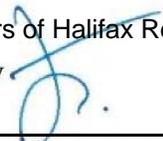




P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 14.1.7**  
**Halifax Regional Council**  
**June 14, 2016**

**TO:** Mayor Savage and Members of Halifax Regional Council  
Original Signed by 

**SUBMITTED BY:** \_\_\_\_\_  
John Traves, Q.C. Acting Chief Administrative Officer  
Original Signed by \_\_\_\_\_  
Jane Fraser, Acting Deputy Chief Administrative Officer

**DATE:** May 20, 2016

**SUBJECT:** **Case 20312: Non-Substantive Amendments to Existing Development Agreement, Lower Water and Bishop Streets, Halifax**

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**ORIGIN**

Application by WSP Canada Inc. on behalf of Killam Investments Inc.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Approve, by resolution, the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A, to allow for changes to the upper levels and ground-floor corner entrance of the "Alexander" development at Lower Water and Bishop Streets, Halifax; and
2. Require that the proposed amending development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

**BACKGROUND**

An application has been received from WSP Canada Inc. on behalf of Killam Investments Inc. for a non-substantive amendment to the development agreement at 5121 Bishop Street (Lot A-3), at the corner of Lower Water Street and Bishop Street, Halifax (Map 1, Attachments A, B and C). The purpose of the amendment is to allow for changes to the uppermost levels of the tower and the ground-floor corner entrance of the “Alexander”, a 22-storey mixed-use development. Pursuant to the existing development agreement, this amendment is non-substantive and requires only a resolution of Council to facilitate its approval.

**Subject Site**

The following table provides further background relative to the subject site:

<b>Subject Site</b>	5121 Bishop Street (Lot A-3), at the northwest corner of Lower Water and Bishop Streets.
<b>Location</b>	Located within the southern half of the block which contains the “Alexander Keith’s Nova Scotia Brewery”, Keith Hall and Historic Farmers Market.
<b>Regional Plan Designation</b>	Urban Settlement; and within the Regional Centre
<b>Zoning (Map 1)</b>	DH-1 (Downtown Halifax Land Use By-law)
<b>Size of Site (Lot A-3)</b>	3,188 sq. m. (34,316 sq. ft.)
<b>Street Frontage</b>	63.4 m (208 ft.) on Lower Water St., 47.2 m (155 ft.) on Bishop St
<b>Current Land Use/ Site Condition</b>	Building under construction. Site slopes down to Lower Water Street.
<b>Surrounding Land Uses</b>	The surrounding area contains a mix of land uses and building designs ranging from registered heritage properties to contemporary buildings as well as buildings of varying sizes. Surrounding buildings include: <ul style="list-style-type: none"> <li>• numerous registered heritage buildings such as Keith Hall and the Brewery buildings which are owned by Killam Investments, the Benjamin Wier House at 1459 Hollis Street, the Lieutenant Governor’s residence (across Hollis Street) at 1451 Barrington Street and the Black-Binney House at 1472 Hollis, across from Keith Hall; and</li> <li>• more recently constructed buildings such as Bishop’s Landing, 1360 Lower Water Street, Waterfront Place, the Waterford at 1343 Hollis Street, Four Points Sheraton and Salter’s Gate.</li> </ul>

**Existing Development Agreement**

The existing development agreement (the “Agreement”) was approved by Regional Council on September 9, 2008, following Council’s adoption of site-specific amendments to the Municipal Planning Strategy and Land Use By-law (Attachment D). The Agreement allows for the following:

- Keith Hall, 1475 Hollis Street: exterior alterations and façade improvements, a one-storey addition to the top of the building and interior change of use from commercial to residential;
- “Halkirk House” (south of Keith Hall): a proposed 5-storey residential infill building on a vacant site next to Keith Hall on Hollis Street; and
- The “Alexander”: a multi-storey mixed-use development at 5121 Bishop Street, at the corner of Lower Water and Bishop Streets.

The Agreement was amended in early 2014 to allow for the following:

- 3-year extension to the date of commencement of the “Alexander” portion of the development; and
- Changes to the exterior and additional land use options for the Keith Hall and Halkirk House buildings.

Section 4.2 of the Agreement allows for several matters to be considered as non-substantive amendments that can be approved by resolution of Regional Council. Of these matters, the following clause within the agreement applies:

*4.2(a) Changes to the architectural appearance of the building or the design, layout and positioning of the building, provided that plans are submitted for any changes to the building design and that such changes, in the opinion of Council, are minor in nature;...*

### **Permit Approvals**

A Construction Permit was granted on January 21, 2016 for commencement on the “Alexander”, a mixed-use building with 242 dwelling units and ground-floor commercial space. The building is currently under construction. During the permit application review process, the Development Officer determined that the following building design changes were in conformance with the schedules of the Agreement and were granted approval:

- Building material changes: replacement of pre-cast concrete cladding panels with metal cladding, replacement of metal-clad rooftop mechanical penthouse with a glass and metal structure;
- Contemporary design approach versus the previous, more traditional approach utilized in the Salter’s Gate development to the north of the site. This resulted in a more linear design and the elimination of curved features;
- A reduction in the floor-to-floor heights, due to the redesign of the project to allow for rental units instead of condominiums. This has resulted in the potential to have two additional residential floor levels within the allowable building volume: one in the tower portion, which was approved through the permit for a total of 22 floors, and one within the 2-level rooftop penthouse structure, if the requested amendments contemplated within this report are approved; and
- A more efficient layout of internal parking areas, resulting in one less underground parking level while retaining the same number of stalls.

### **Proposal**

The applicant is requesting a non-substantive amendment to the Agreement to allow for the following (Attachment B):

- Minor changes to the form, recessing and floor areas of the uppermost levels of the tower, including the mechanical penthouse. This results in additional floor area needed to create a more functional and practical design while maintaining a distinct and appealing rooftop design for the building; and
- Minor changes at the ground-floor level, at the corner of Lower Water and Bishop Streets, to replace an architectural turret feature with a more contemporary corner-entrance design.

### **Enabling Policy**

With regard to the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS) and Land Use By-law (LUB), the following are relevant to this application:

- The Alexander site (Lot A-3) is within the DH-1 Zone, falls within Precinct #1 (Southern Waterfront) and is encumbered by Viewplane #6;

- Policy 90D of the DHSMPS enables the consideration of non-substantive amendments to approved development agreements (Attachment D).

## **DISCUSSION**

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

### *Changes to the form and shape of the tower*

The changes to the tower component relate to the penthouse design and the upper-storey stepbacks of the tower. The penthouse was originally designed as a narrow, two-level space for mechanical equipment only, to be lit from the outside. However, upon more detailed design, the applicant has identified structural and other issues resulting from the original design which pose functional, practical and economic difficulties for the uppermost floors (Attachment C). The new design proposes to deal with these issues by expanding the floor area of the penthouse in order to allow for residential units in the lower level and mechanical equipment on the second level. The use of glass, with metal panels, will allow the penthouse to be lit from within the structure, providing an attractive top to the building. As a result, the tower continues to have a stepped design at the top, while allowing for a more functional and practical design by providing additional floor area while maintaining a distinct and appealing rooftop design for the building.

### *Ground-floor design of corner-entrance*

The original design proposed a corner entrance topped by a rounded turret feature which is no longer appropriate given the more contemporary, linear design under construction. However, the Development Officer determined that any removal of the turret feature would not be in keeping with the original approved design and would require a non-substantive amendment to the agreement. The proposed corner-entrance feature of glass with metal framing will utilize soft lighting to accentuate the corner. Surrounding the entrance, the use of wood-like high pressure laminate (HPL) cladding instead of ironstone will assist in highlighting the building corner, separating it from the surrounding use of ironstone along both street frontages. The presence of an animated corner entrance is in keeping with both the original design approach and the current Downtown Halifax MPS.

## **Planning Policies**

In addition to considering the proposed changes as non-substantive amendment conditions, the proposed amendments must also be consistent with the policies of the Downtown Halifax MPS and those policies of the Halifax MPS and Regional MPS which existed at the time the Agreement was approved. The original proposal was the subject of site-specific policies and the current proposal continues to meet these policy conditions (Attachment D).

## **Conclusion**

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

## **FINANCIAL IMPLICATIONS**

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

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report.

This application may be considered under existing MPS policies. Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments to the existing development agreement are contained within the Discussion section of this report.

### **COMMUNITY ENGAGEMENT**

The community engagement process undertaken for this application is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through the HRM website and signage posted on the site. A public information meeting and public hearing are not required for a non-substantive amendment to a development agreement. The decision on the amendments is made by resolution of Council.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **ALTERNATIVES**

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

### **ATTACHMENTS**

Map 1	Zoning
Attachment A	Proposed Amending Development Agreement with Schedules
Attachment B	3D Comparison and Renderings
Attachment C	Applicant's Submission
Attachment D	Primary Policies of Downtown Halifax MPS and former Halifax MPS

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**Case 20312: "Alexander" DA Amendment  
Lower Water and Bishop Streets, Halifax  
Council Report**

- 6 -

**June 14, 2016**

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

Report Prepared by: Paul Sampson, LPP, Planner II, 902.490.6259

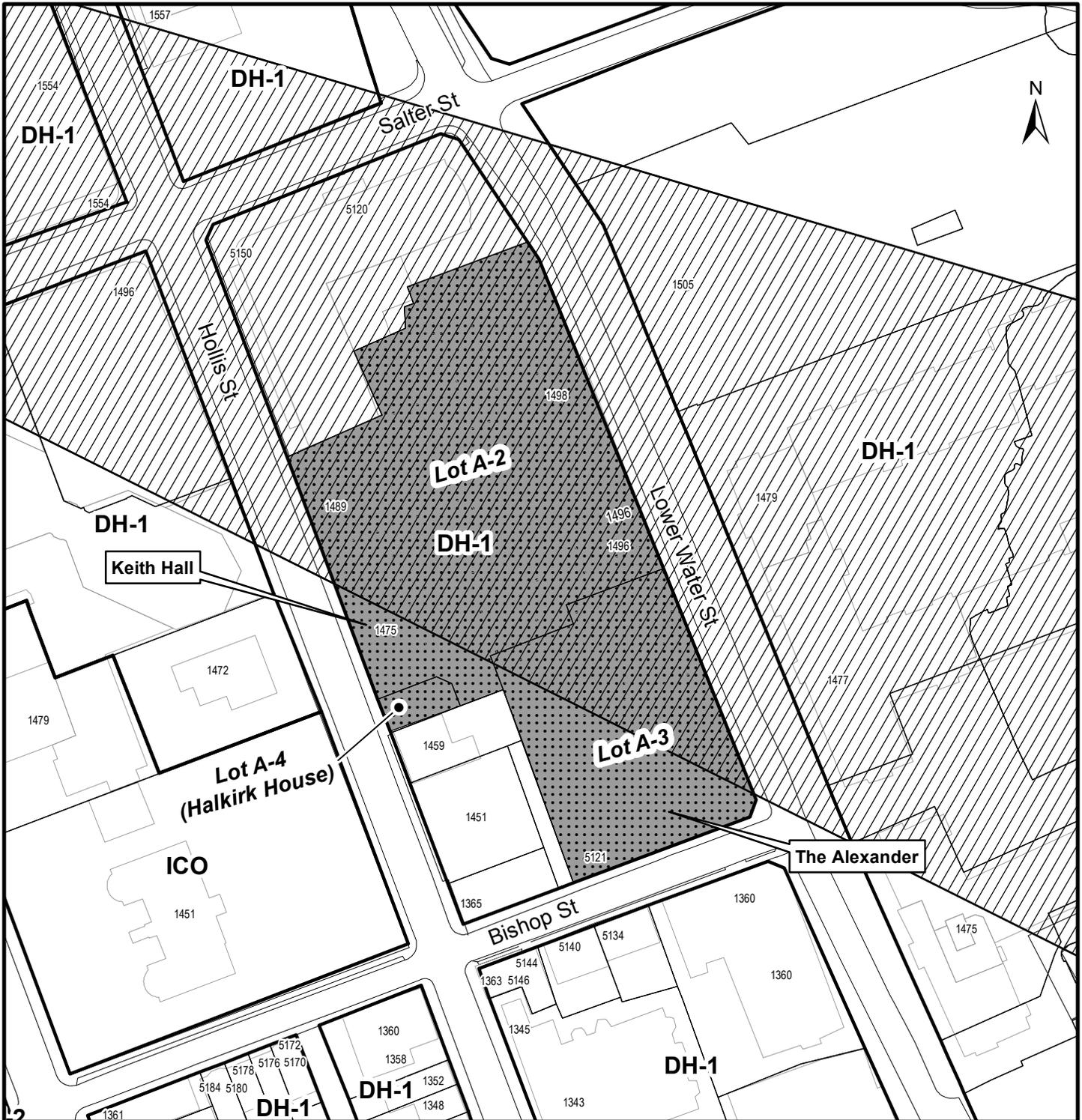
Report Approved by:

\_\_\_\_\_  
Kelly Denty, Manager of Current Planning, 902.490.4800

Report Approved by:

\_\_\_\_\_  
Bob Bjerke, Chief Planner and Director, Planning & Development, 902.490.1627

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**Map 1 - Zoning**

Keiths Brewery Site  
 Lower Water Street  
 Halifax

 Area of Existing Development Agreement

 View Plane

Downtown Halifax Plan Area

**Zone**

DH-1 Downtown Halifax 1  
 ICO Institutional, Cultural and Open Space

**HALIFAX**



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

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



**ATTACHMENT A:**

**Proposed Amending Development Agreement with Revised Schedules**  
the provisions of the Existing Agreement;

AND WHEREAS the Regional Council for the Municipality approved this request at a meeting held on [INSERT DATE] , referenced as Municipal Case Number **20312**;

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

The Existing Agreement, as amended, is further amended as follows:

1. The text of Section 2.1 shall be deleted and replaced with the following:

**2.1 Schedules**

**The Developer shall develop the lands for a mixed-use development in a manner, which, in the opinion of the Development Officer, is substantially in conformance with the following Schedules attached to this agreement. Alternatively, the Developer may, through a non-substantive amendment pursuant to section 4.2 (g), develop the lands substantially in conformance with Schedules A-3A through A-6A.**

**The schedules are:**

<b>Schedule A</b>	<b>Legal Description of the Lands</b>	
<b>Schedule B-1</b>	<b>Site / Landscape Plan</b>	<b>Plan # 20312-001</b>
<b>Schedule C-1</b>	<b>Plan – P3 Parkade</b>	<b>Plan # 20312-002</b>
<b>Schedule D-1</b>	<b>Plan – P2 Parkade/ Retail/ Lobby</b>	<b>Plan # 20312-003</b>
<b>Schedule E-1</b>	<b>Plan - P1 Parkade/ Residential Level 00</b>	<b>Plan # 20312-004</b>
<b>Schedule F-1</b>	<b>Plan - Lobby Bishop/Residential Level 01</b>	<b>Plan # 20312-005</b>
<b>Schedule G-1</b>	<b>Plan - Residential Level 02</b>	<b>Plan # 20312-006</b>
<b>Schedule H-1</b>	<b>Plan – Residential Level 03</b>	<b>Plan # 20312-007</b>
<b>Schedule I-1</b>	<b>Plan – Residential Level 04</b>	<b>Plan # 20312-008</b>
<b>Schedule J-1</b>	<b>Plan – Residential Levels 05-14 &amp; 15</b>	<b>Plan # 20312-009</b>
<b>Schedule K-1</b>	<b>Plan – Residential Levels 16 &amp; 17-18</b>	<b>Plan # 20312-010</b>
<b>Schedule L-1</b>	<b>Plan – Residential Levels 19 &amp; 20</b>	<b>Plan # 20312-011</b>
<b>Schedule M-1</b>	<b>Plan – Residential Level 21 &amp; 22</b>	<b>Plan # 20312-012</b>
<b>Schedule N-1</b>	<b>East Elevation - Lower Water Street</b>	<b>Plan # 20312-013</b>
<b>Schedule O-1</b>	<b>South Elevation - Bishop Street</b>	<b>Plan # 20312-014</b>
<b>Schedule P-1</b>	<b>West Elevation - Hollis Street</b>	<b>Plan # 20312-015</b>
<b>Schedule Q-1</b>	<b>North Elevation - Salter Street</b>	<b>Plan # 20312-016</b>
<b>Schedule R</b>	<b>Elevation (West) - Keith Hall/ Halkirk</b>	<b>Plan # 00971-017</b>
<b>Schedule S-1</b>	<b>Elevation (East) - Keith Hall/ Halkirk</b>	<b>Plan # 19028-001</b>
<b>Schedule T</b>	<b>Elevation (South) - Keith Hall/ Halkirk</b>	<b>Plan # 00971-019</b>
<b>Schedule U</b>	<b>Elevation (North) - Keith Hall/ Halkirk</b>	<b>Plan # 00971-020</b>
<b>Schedule V</b>	<b>Sub-Basement - Keith Hall/ Halkirk</b>	<b>Plan # 00971-021</b>

**ATTACHMENT A:**

**Proposed Amending Development Agreement with Revised Schedules**

<b>Schedule W-1</b>	<b>Basement - Keith Hall/ Halkirk</b>	<b>Plan # 19028-002</b>
<b>Schedule X-1</b>	<b>Ground Floor - Keith Hall/ Halkirk</b>	<b>Plan # 19028-003</b>
<b>Schedule Y-1</b>	<b>Level 2 - Keith Hall/ Halkirk</b>	<b>Plan # 19028-004</b>
<b>Schedule Z-1</b>	<b>Level 3 - Keith Hall/ Halkirk</b>	<b>Plan # 19028-005</b>
<b>Schedule A-1A</b>	<b>Level 4 - Keith Hall/ Halkirk</b>	<b>Plan # 19028-006</b>
<b>Schedule A-2A</b>	<b>Level 5 - Keith Hall/ Halkirk</b>	<b>Plan # 19028-007</b>
<b>Schedule A-3A</b>	<b>Alternate Site/ Landscaping Plan</b>	<b>Plan # 20312-018</b>
<b>Schedule A-4A</b>	<b>Alternate Elevation - Bishop Street</b>	<b>Plan # 20312-019</b>
<b>Schedule A-5A</b>	<b>Alternate Elevation - Hollis Street</b>	<b>Plan # 20312-020</b>
<b>Schedule A-6A</b>	<b>Alternate Elevation - Salter Street</b>	<b>Plan # 20312-021</b>

2. Schedules B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, A-3, A-4, A-5 and A-6 shall be deleted and replaced with Schedules B-1, C-1, D-1, E-1, F-1, G-1, H-1, I-1, J-1, K-1, L-1, M-1, N-1, O-1, P-1, Q-1, A-3A, A-4A, A-5A and A-6A respectively, attached hereto.
  
3. All textual references in this agreement to Schedules B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, A-3, A-4, A-5 and A-6 shall be deleted and replaced with Schedules B-1, C-1, D-1, E-1, F-1, G-1, H-1, I-1, J-1, K-1, L-1, M-1, N-1, O-1, P-1, Q-1, A-3A, A-4A, A-5A and A-6A respectively.

**ATTACHMENT A:  
Proposed Amending Development Agreement with Revised Schedules**

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

**SIGNED, SEALED AND DELIVERED** in  
the presence of:

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

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

**HALIFAX REGIONAL MUNICIPALITY**

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

\_\_\_\_\_  
Witness

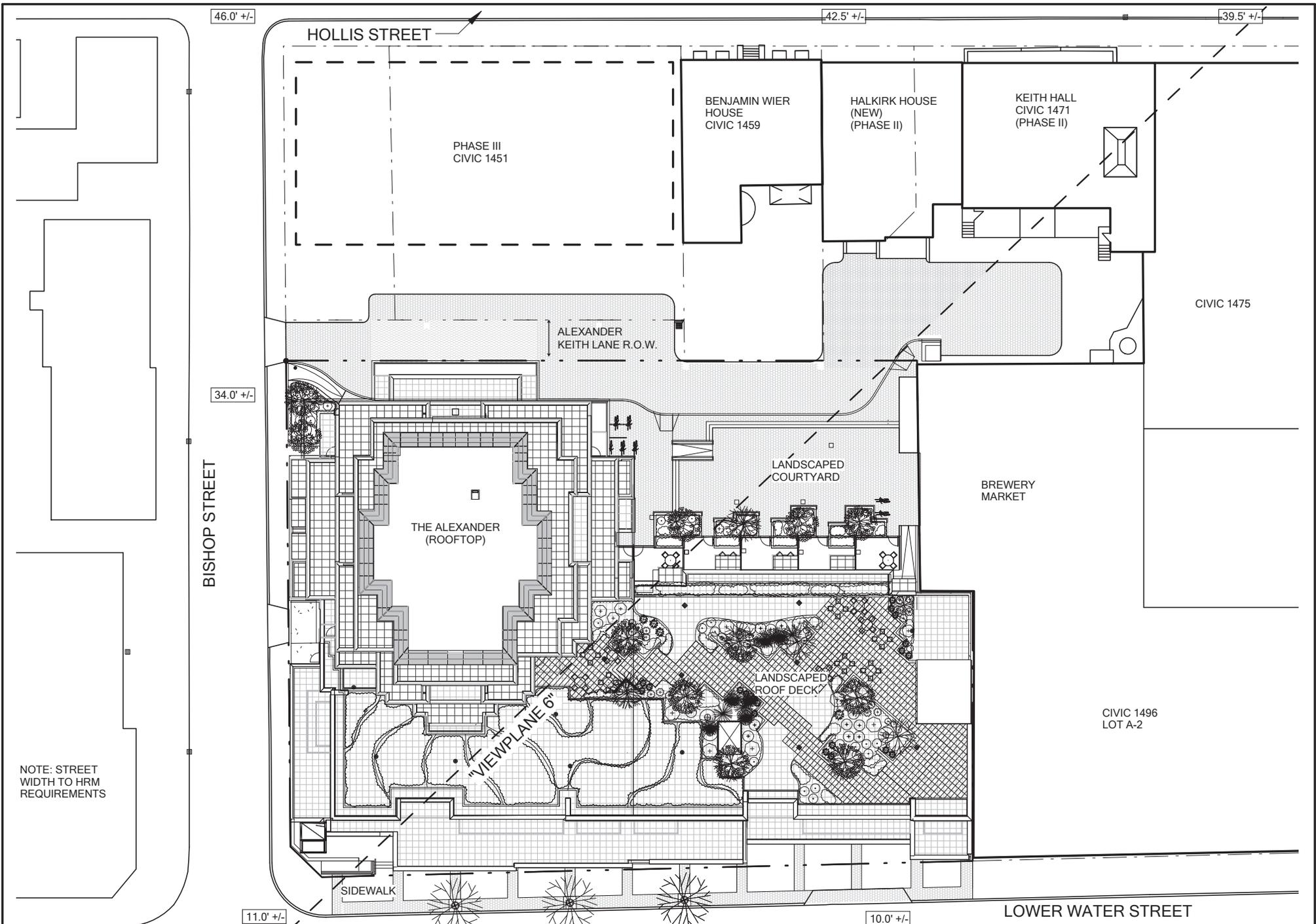
Per: \_\_\_\_\_

**MAYOR**

\_\_\_\_\_  
Witness

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

**MUNICIPAL CLERK**



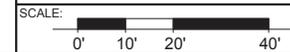
NOTE: STREET WIDTH TO HRM REQUIREMENTS

ALEXANDER  
BISHOP STREET  
HALIFAX, NS

SCHEDULE 'B-1'

Site / Landscape Plan

Plan # 20312-001



DATE: 2016-05-06

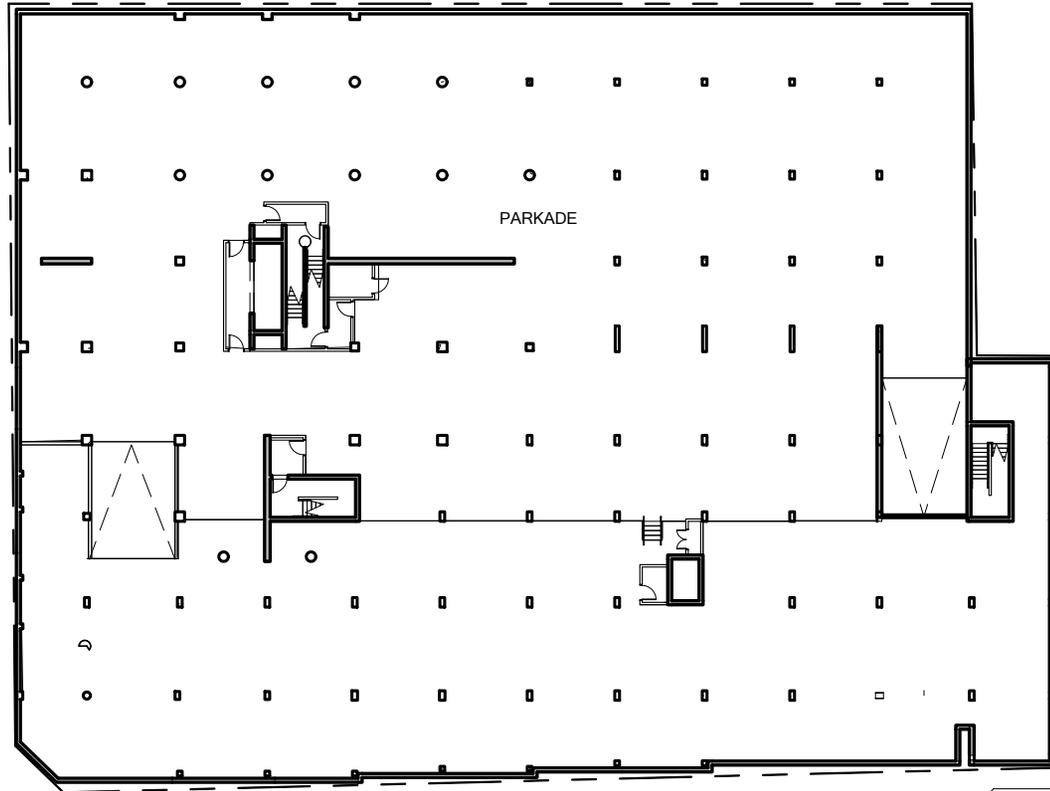
Site / Landscape Plan

HOLLIS STREET

BISHOP STREET

PARKADE

LOWER WATER STREET



ALEXANDER  
BISHOP STREET  
HALIFAX, NS

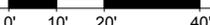
SCHEDULE 'C-1'

Plan - P3 Parkade

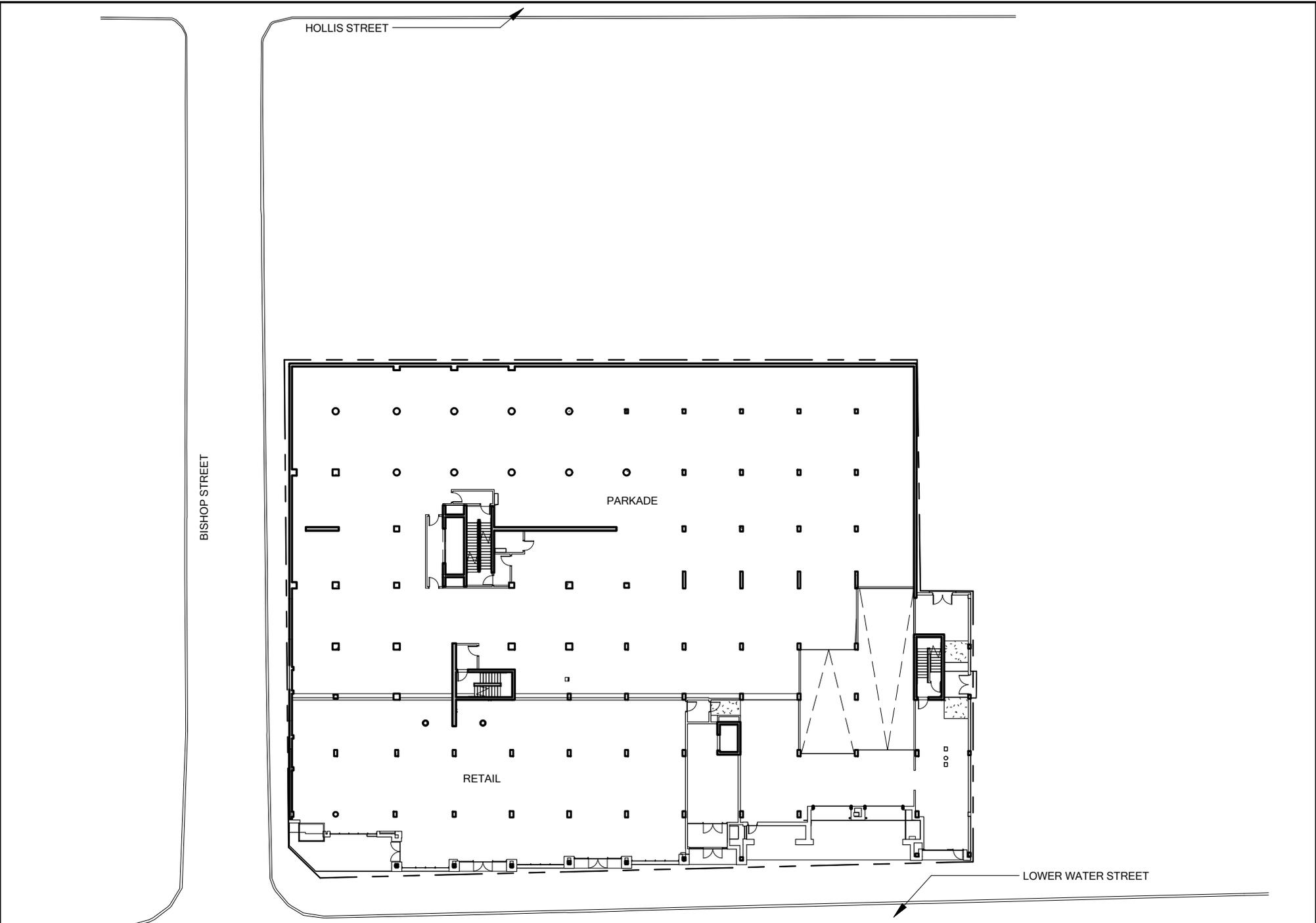
Plan # 20312-002


 MICHAEL  
 NAPIER  
 ARCHITECTURE  
www.mnarch.ca • 902.455.5522

Plan - P3 Parkade

SCALE: 

DATE: 2016-05-06



ALEXANDER  
 BISHOP STREET  
 HALIFAX, NS

SCHEDULE 'D-1'

Plan - P2 Parkade / Retail / Lobby

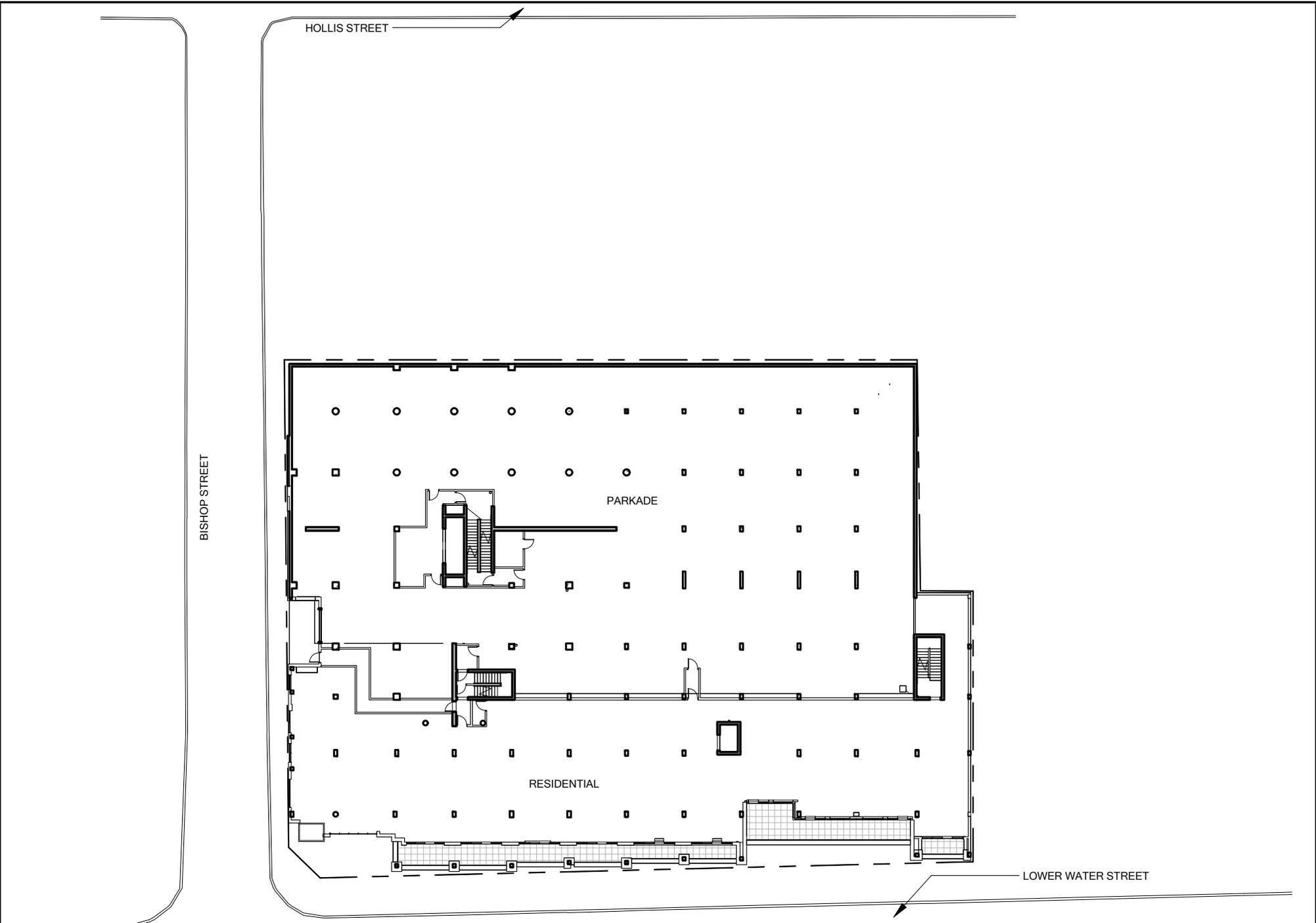
Plan # 20312-003



Plan - P2 Parkade / Retail / Lobby



DATE: 2016-05-06



ALEXANDER  
 BISHOP STREET  
 HALIFAX, NS

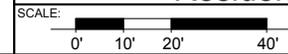
SCHEDULE 'E-1'

Plan - P1 Parkade / Residential Level 00

Plan # 20312-004



Plan - P1 Parkade /  
 Residential Level 00



DATE: 2016-05-06

HOLLIS STREET

BISHOP STREET



LOWER WATER STREET

ALEXANDER  
BISHOP STREET  
HALIFAX, NS

SCHEDULE 'F-1'

Plan - Lobby Bishop / Residential Level 01

Plan # 20312-005



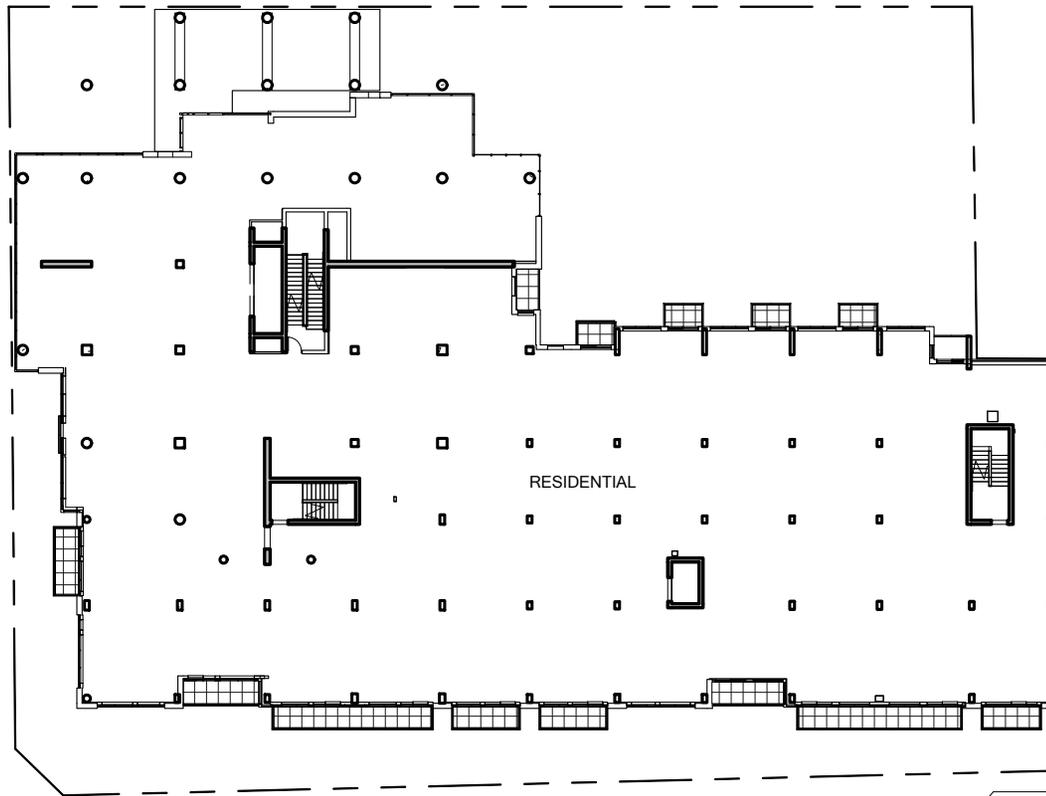
Plan - Lobby Bishop /  
Residential Level 01



DATE: 2016-05-06

HOLLIS STREET

BISHOP STREET



RESIDENTIAL

LOWER WATER STREET

ALEXANDER  
BISHOP STREET  
HALIFAX, NS

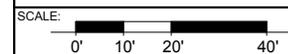
SCHEDULE 'G-1'

Plan - Residential Level 02

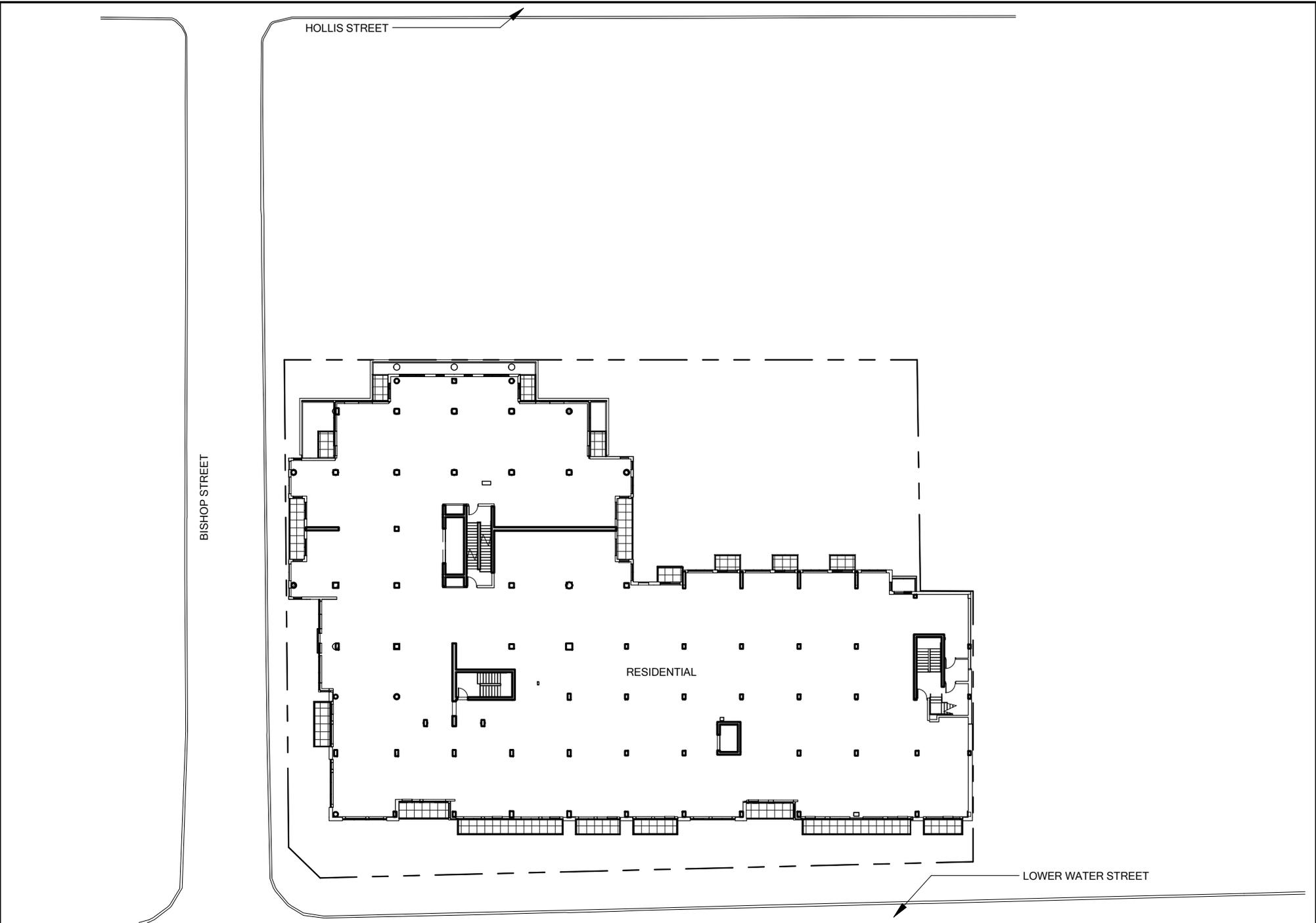
Plan # 20312-006



Plan - Residential Level 02



DATE: 2016-05-06



ALEXANDER  
 BISHOP STREET  
 HALIFAX, NS

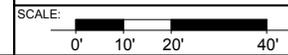
SCHEDULE 'H-1'

Plan - Residential Level 03

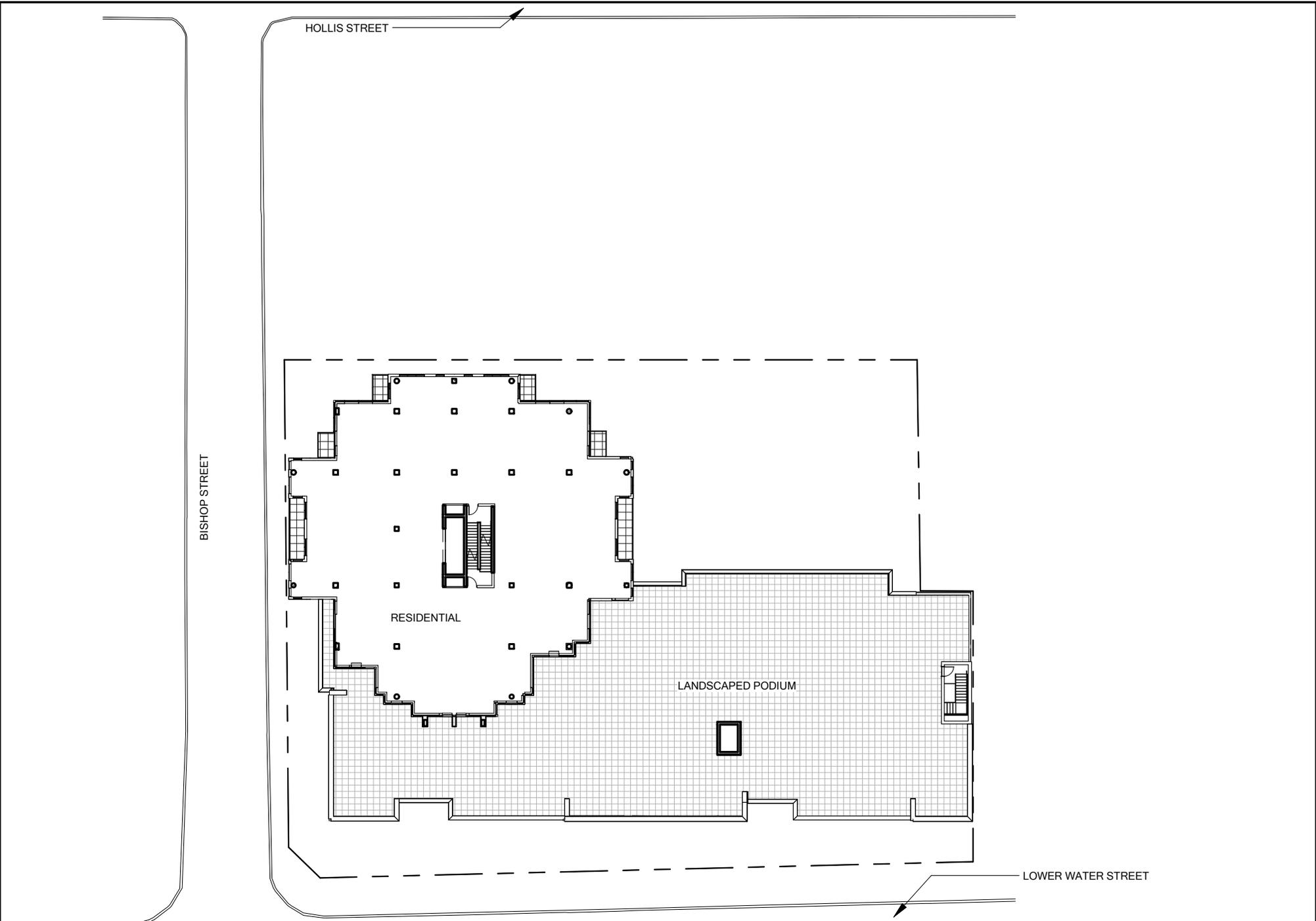
Plan # 20312-007



Plan - Residential Level 03



DATE: 2016-05-06



ALEXANDER  
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 HALIFAX, NS

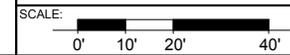
SCHEDULE 'I-1'

Plan - Residential Level 04

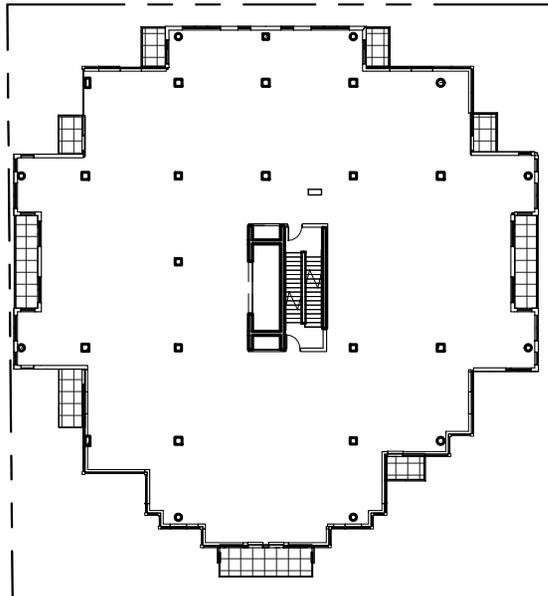
Plan # 20312-008



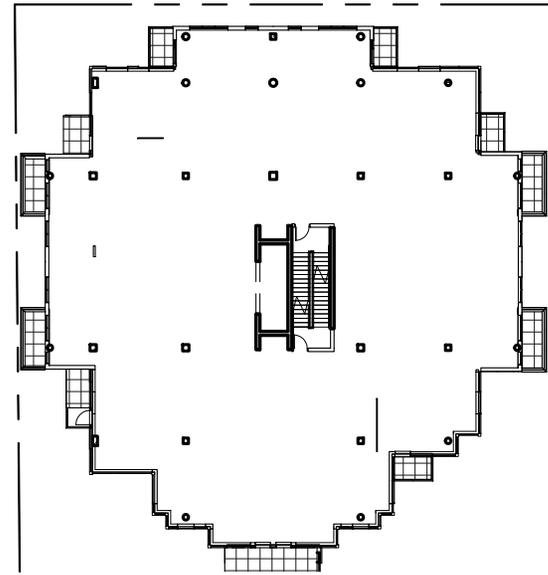
Plan - Residential Level 04



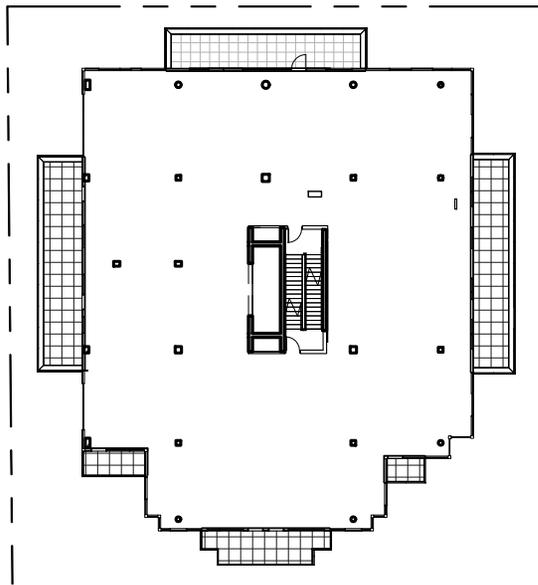
DATE: 2016-05-06



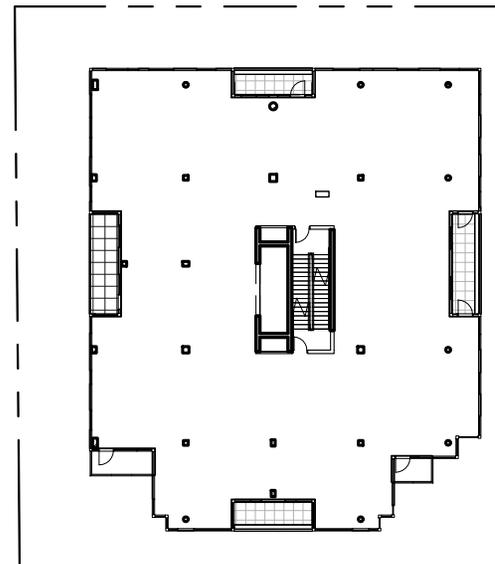
Plan - Residential Level 05-14



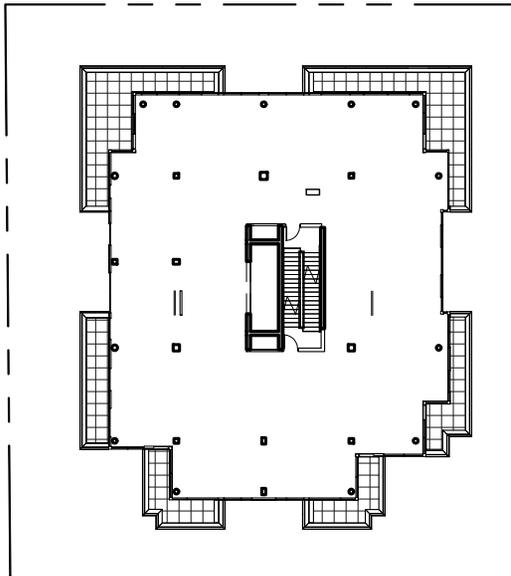
Plan - Residential Level 15



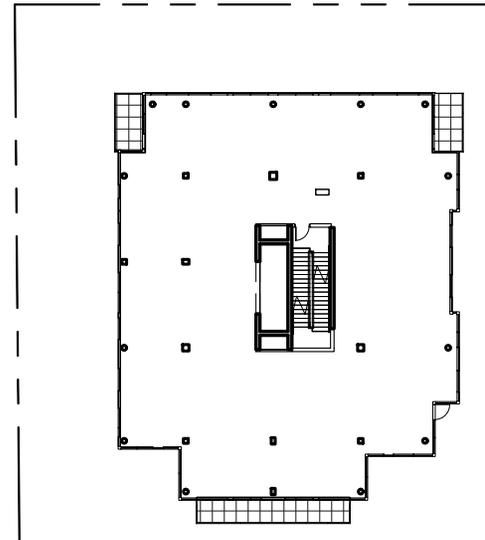
Plan - Residential Level 16



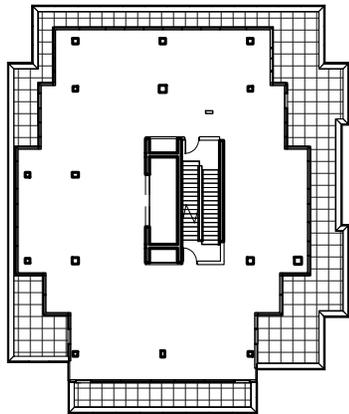
Plan - Residential Level 17-18



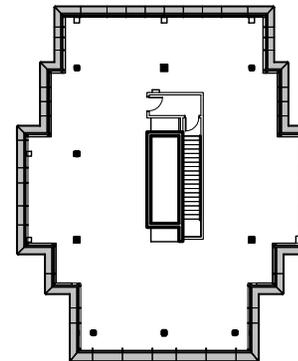
Plan - Residential Level 19



Plan - Residential Level 20



Plan - Residential Level 21



Plan - Residential Level 22

255' - 0"

ROOF

(MAX. 245'-0" ABOVE MEAN ELEVATION OF LOWER WATER STREET)

MECH. PENTHOUSE

RES. LEVEL 21

RES. LEVEL 20

RES. LEVEL 19

RES. LEVEL 18

RES. LEVEL 17

RES. LEVEL 16

RES. LEVEL 15

RES. LEVEL 14

RES. LEVEL 13

RES. LEVEL 12

RES. LEVEL 11

RES. LEVEL 10

RES. LEVEL 09

RES. LEVEL 08

RES. LEVEL 07

RES. LEVEL 06

RES. LEVEL 05

RES. LEVEL 04

RES. LEVEL 03

RES. LEVEL 02

RES. LEVEL 01 / LOBBY BISHOP

RES. LEVEL 00 / P1 - PARKADE

LOBBY LOWER WATER / P2 - PARKADE

4' - 4"

P3 - PARKADE

PROPERTY LINE

PROPERTY LINE

BISHOP STREET

EXISTING BREWERY MARKET

EXIT DOOR

GLASS AND METAL ROOF FEATURE (MECH. PENTHOUSE ON LEVEL 22)

GLASS AND METAL RAILING SYSTEM (TYPICAL)

GLAZED WINDOW WALL SYSTEM C/W CLEAR VISION GLASS, LIGHT COLOURED METAL SPANDREL PANELS (TYPICAL)

STAIR 'C' ACCESS TO LANDSCAPED PODIUM

GLASS AND METAL RAILING SYSTEM (TYPICAL)

LANDSCAPED PODIUM (LEVELS 1 AND 4)

DARK BRICK AND WINDOW WALL SYSTEM (TYPICAL LEVELS 1-3) C/W CLEAR VISION GLASS AND LIGHT COLOURED GLASS/METAL SPANDREL PANEL

WINDOW WALL SYSTEM (TYPICAL LEVELS 1-3) C/W CLEAR VISION GLASS AND LIGHT COLOURED GLASS/METAL SPANDREL PANEL

WOOD-LOOK CORNER ELEMENT C/W COMMERCIAL ENTRANCE SYSTEM

GLASS AND METAL CORNER FEATURE (COMMERCIAL ENTRANCE)

IRONSTONE CLADDING (TYPICAL LEVELS 1 AND 2)

COMMERCIAL ENTRANCE SYSTEM

IRONSTONE ARCH AT PARKADE ENTRANCE

IRONSTONE CLADDING (TYPICAL LEVELS 1 AND 2)

SECONDARY RESIDENTIAL LOBBY ENTRANCE

ALEXANDER BISHOP STREET HALIFAX, NS

SCHEDULE 'N-1'

East Elevation - Lower Water Street

Plan # 20312-013

MICHAEL ANAPIER ARCHITECTURE www.mnarch.ca • 902.455.5522

East Elevation - Lower Water Street

SCALE: 0' 10' 20' 40'

DATE: 2016-05-06

255' - 0"

ROOF

(MAX. 245'-0" ABOVE MEAN ELEVATION OF LOWER WATER -STREET)

MECH. PENTHOUSE

RES. LEVEL 21

RES. LEVEL 20

RES. LEVEL 19

RES. LEVEL 18

RES. LEVEL 17

RES. LEVEL 16

RES. LEVEL 15

RES. LEVEL 14

RES. LEVEL 13

RES. LEVEL 12

RES. LEVEL 11

RES. LEVEL 10

RES. LEVEL 09

RES. LEVEL 08

RES. LEVEL 07

RES. LEVEL 06

RES. LEVEL 05

RES. LEVEL 04

RES. LEVEL 03

RES. LEVEL 02

RES. LEVEL 01 / LOBBY BISHOP

RES. LEVEL 00 / P1 PARKADE

LOBBY LOWER WATER / P2 - PARKADE

4' - 4"

P3 - PARKADE

PROPERTY LINE (ADJACENT PROPERTY)

PROPERTY LINE

EXTENT OF R.O.W.

IRONSTONE CLADDING C/W COMMERCIAL ENTRANCE SYSTEM

METAL ENTRANCE CANOPY

PRIMARY RESIDENTIAL LOBBY ENTRANCE

DRIVEWAY

GLASS AND METAL ROOF FEATURE (MECH. PENTHOUSE ON LEVEL 22)

GLASS AND METAL RAILING SYSTEM (TYPICAL)

GLAZED WINDOW WALL SYSTEM C/W CLEAR VISION GLASS, LIGHT COLOURED METAL SPANDREL PANELS (TYPICAL)

GLASS AND METAL RAILING SYSTEM (TYPICAL)

DARK BRICK AND WINDOW WALL SYSTEM (TYPICAL LEVELS 1-3) C/W CLEAR VISION GLASS AND LIGHT COLOURED GLASS/METAL SPANDREL PANEL

WOOD-LOOK CORNER ELEMENT C/W COMMERCIAL ENTRANCE SYSTEM

IRONSTONE CLADDING  
GLASS AND METAL CORNER FEATURE (COMMERCIAL ENTRANCE)

LOWER WATER STREET

JULIET BALCONY  
EXIT DOOR  
PARKADE ENTRANCE

ALEXANDER  
BISHOP STREET  
HALIFAX, NS

SCHEDULE 'O-1'

South Elevation - Bishop Street

Plan # 20312-014



South Elevation - Bishop Street



DATE: 2016-05-06

255' - 0"

ROOF

(MAX. 245'-0" ABOVE MEAN ELEVATION OF LOWER WATER - STREET)

PROPERTY LINE

PROPERTY LINE

MECH. PENTHOUSE

RES. LEVEL 21

RES. LEVEL 20

RES. LEVEL 19

RES. LEVEL 18

RES. LEVEL 17

RES. LEVEL 16

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RES. LEVEL 03

RES. LEVEL 02

RES. LEVEL 01 / LOBBY BISHOP

RES. LEVEL 00 / P1 - PARKADE

LOBBY LOWER WATER / P2 - PARKADE

4' - 4"

P3 - PARKADE

METAL ENTRANCE CANOPY

IRONSTONE CLADDING C/W COMMERCIAL ENTRANCE SYSTEM

MEDIUM COLOURED CORRUGATED METAL CLADDING

WOOD-LOOK CLADDING

STAIR 'C' ACCESS TO LANDSCAPED PODIUM

LANDSCAPED PODIUM (LEVELS 1 AND 4)

EXIT DOOR

EXISTING BREWERY MARKET

GLASS AND METAL ROOF FEATURE (MECH. PENTHOUSE ON LEVEL 22)

GLASS AND METAL RAILING SYSTEM (TYPICAL)

GLAZED WINDOW WALL SYSTEM C/W CLEAR VISION GLASS, LIGHT COLOURED METAL SPANDREL PANELS (TYPICAL)

GLASS AND METAL RAILING SYSTEM (TYPICAL)

PRIMARY RESIDENTIAL LOBBY ENTRANCE

IRONSTONE CLADDING C/W COMMERCIAL ENTRANCE SYSTEM

BISHOP STREET

ALEXANDER BISHOP STREET HALIFAX, NS

SCHEDULE 'P-1'

West Elevation - Hollis Street

Plan # 20312-015



West Elevation - Hollis Street



DATE: 2016-05-06

255' - 0"

ROOF

(MAX. 245'-0" ABOVE MEAN ELEVATION OF LOWER WATER STREET)

MECH. PENTHOUSE  
RES. LEVEL 21

RES. LEVEL 20

RES. LEVEL 19

RES. LEVEL 18

RES. LEVEL 17

RES. LEVEL 16

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RES. LEVEL 03

RES. LEVEL 02

RES. LEVEL 01 / LOBBY BISHOP

RES. LEVEL 00 / P1 - PARKADE  
LOBBY LOWER WATER / P2 - PARKADE

4' - 4"

P3 - PARKADE

STAIR 'C' ACCESS TO LANDSCAPED PODIUM

ELEVATOR OVERRUN

DARK BRICK CLADDING

LOWER WATER STREET

PROPERTY LINE

PROPERTY LINE (ADJACENT PROPERTY)

EXTENTS OF R.O.W. BEYOND

GLASS AND METAL ROOF FEATURE

GLASS AND METAL RAILING SYSTEM (TYPICAL)

GLAZED WINDOW WALL SYSTEM C/W CLEAR VISION GLASS, LIGHT COLOURED METAL SPANDREL PANELS (TYPICAL)

LANDSCAPED PODIUM

IRONSTONE CLADDING C/W COMMERCIAL ENTRANCE SYSTEM

METAL ENTRANCE CANOPY

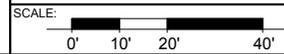
DRIVEWAY (OVER PODIUM)

ALEXANDER  
BISHOP STREET  
HALIFAX, NS

SCHEDULE 'Q-1'

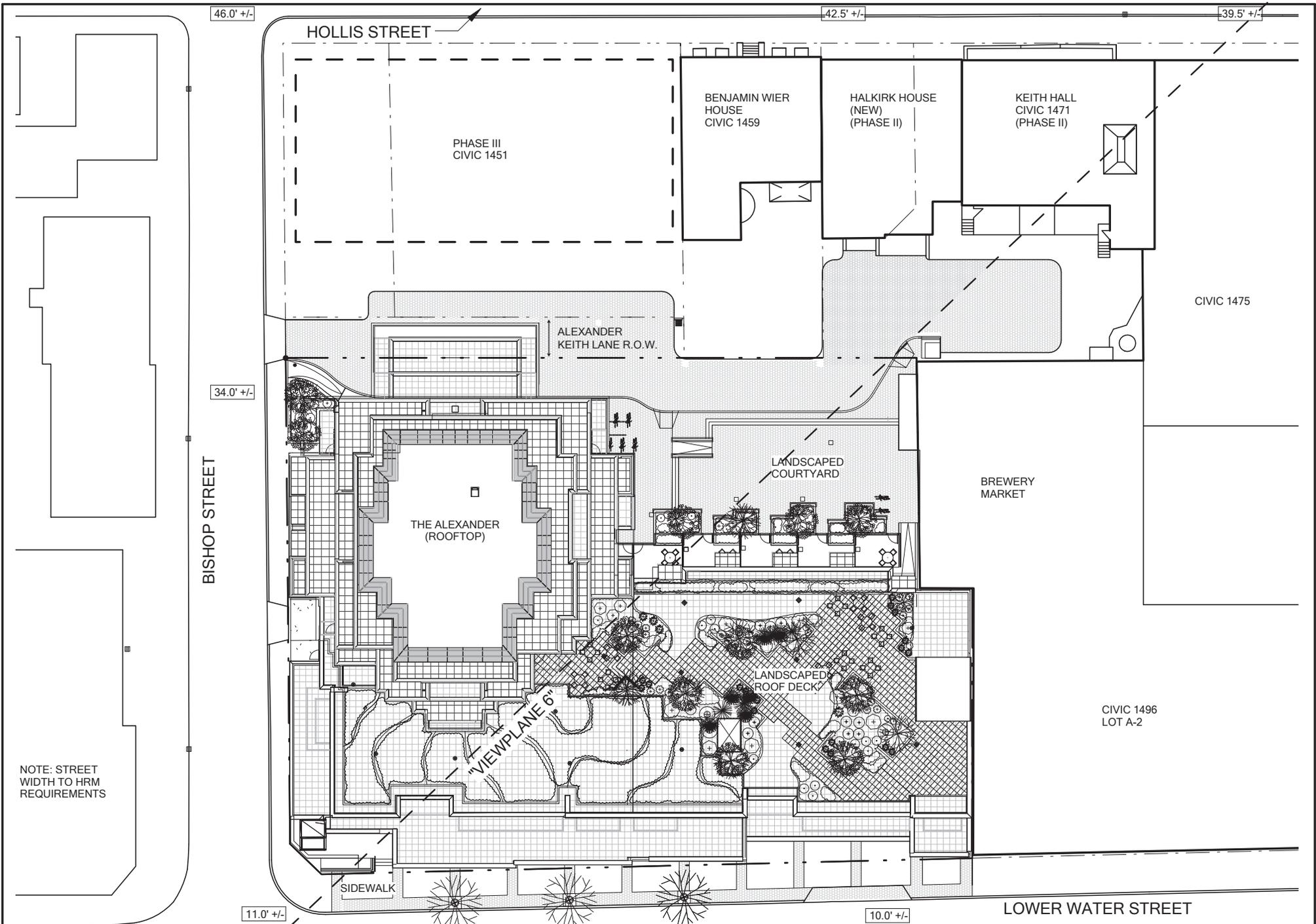
North Elevation - Salter Street

Plan # 20312-016



DATE: 2016-05-06

North Elevation - Salter Street



NOTE: STREET WIDTH TO HRM REQUIREMENTS

ALEXANDER  
BISHOP STREET  
HALIFAX, NS

SCHEDULE 'A-3A'

Alternate Site / Landscaping Plan

Plan # 20312-018

MICHAEL  
APIER  
ARCHITECTURE  
www.mnarch.ca • 902.455.5522

Alternate Site / Landscaping  
Plan

SCALE: 0' 10' 20' 40'

DATE: 2016-05-06

255' - 0"

ROOF

(MAX. 245'-0" ABOVE MEAN ELEVATION OF LOWER WATER STREET)

MECH. PENTHOUSE

RES. LEVEL 21

RES. LEVEL 20

RES. LEVEL 19

RES. LEVEL 18

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RES. LEVEL 04

RES. LEVEL 03

RES. LEVEL 02

RES. LEVEL 01 / LOBBY BISHOP

RES. LEVEL 00 / P1 - PARKADE

LOBBY LOWER WATER / P2 - PARKADE

4' - 4" P3 - PARKADE

PROPERTY LINE (ADJACENT PROPERTY)  
PROPERTY LINE

EXTENT OF R.O.W.

DRIVEWAY

PROPERTY LINE

GLASS AND METAL ROOF FEATURE (MECH. PENTHOUSE ON LEVEL 22)

GLASS AND METAL RAILING SYSTEM (TYPICAL)

GLAZED WINDOW WALL SYSTEM C/W CLEAR VISION GLASS, LIGHT COLOURED METAL SPANDREL PANELS (TYPICAL)

GLASS AND METAL RAILING SYSTEM (TYPICAL)

DARK BRICK AND WINDOW WALL SYSTEM (TYPICAL LEVELS 1-3) C/W CLEAR VISION GLASS AND LIGHT COLOURED GLASS/METAL SPANDREL PANEL

WOOD-LOOK CORNER ELEMENT C/W COMMERCIAL ENTRANCE SYSTEM

GLASS AND METAL CORNER FEATURE (COMMERCIAL ENTRANCE)

LOWER WATER STREET

JULIET BALCONY

EXIT DOOR

PARKADE ENTRANCE

ALEXANDER  
BISHOP STREET  
HALIFAX, NS

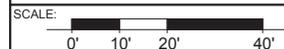
SCHEDULE 'A-4A'

Alternate Elevation - Bishop Street

Plan # 20312-019



Alternate Elevation - Bishop Street



DATE: 2016-05-06

255' - 0"

ROOF

(MAX. 245'-0" ABOVE MEAN ELEVATION OF LOWER WATER STREET)

PROPERTY LINE

PROPERTY LINE

MECH. PENTHOUSE

RES. LEVEL 21

RES. LEVEL 20

RES. LEVEL 19

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RES. LEVEL 02

RES. LEVEL 01 / LOBBY BISHOP

RES. LEVEL 00 / P1 - PARKADE

LOBBY LOWER WATER / P2 - PARKADE

4' - 4" P3 - PARKADE

METAL ENTRANCE CANOPY

IRONSTONE CLADDING C/W COMMERCIAL ENTRANCE SYSTEM

MEDIUM COLOURED CORRUGATED METAL CLADDING

WOOD-LOOK CLADDING

STAIR 'C' ACCESS TO LANDSCAPED PODIUM

LANDSCAPED PODIUM (LEVELS 1 AND 4)

EXIT DOOR

EXISTING BREWERY MARKET

GLASS AND METAL ROOF FEATURE (MECH. PENTHOUSE ON LEVEL 22)

GLASS AND METAL RAILING SYSTEM (TYPICAL)

GLAZED WINDOW WALL SYSTEM C/W CLEAR VISION GLASS, LIGHT COLOURED METAL SPANDREL PANELS (TYPICAL)

GLASS AND METAL RAILING SYSTEM (TYPICAL)

IRONSTONE CLADDING C/W COMMERCIAL ENTRANCE SYSTEM

BISHOP STREET

ALEXANDER  
BISHOP STREET  
HALIFAX, NS

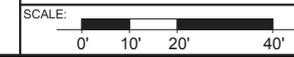
SCHEDULE 'A-5A'

Alternate Elevation - Hollis Street

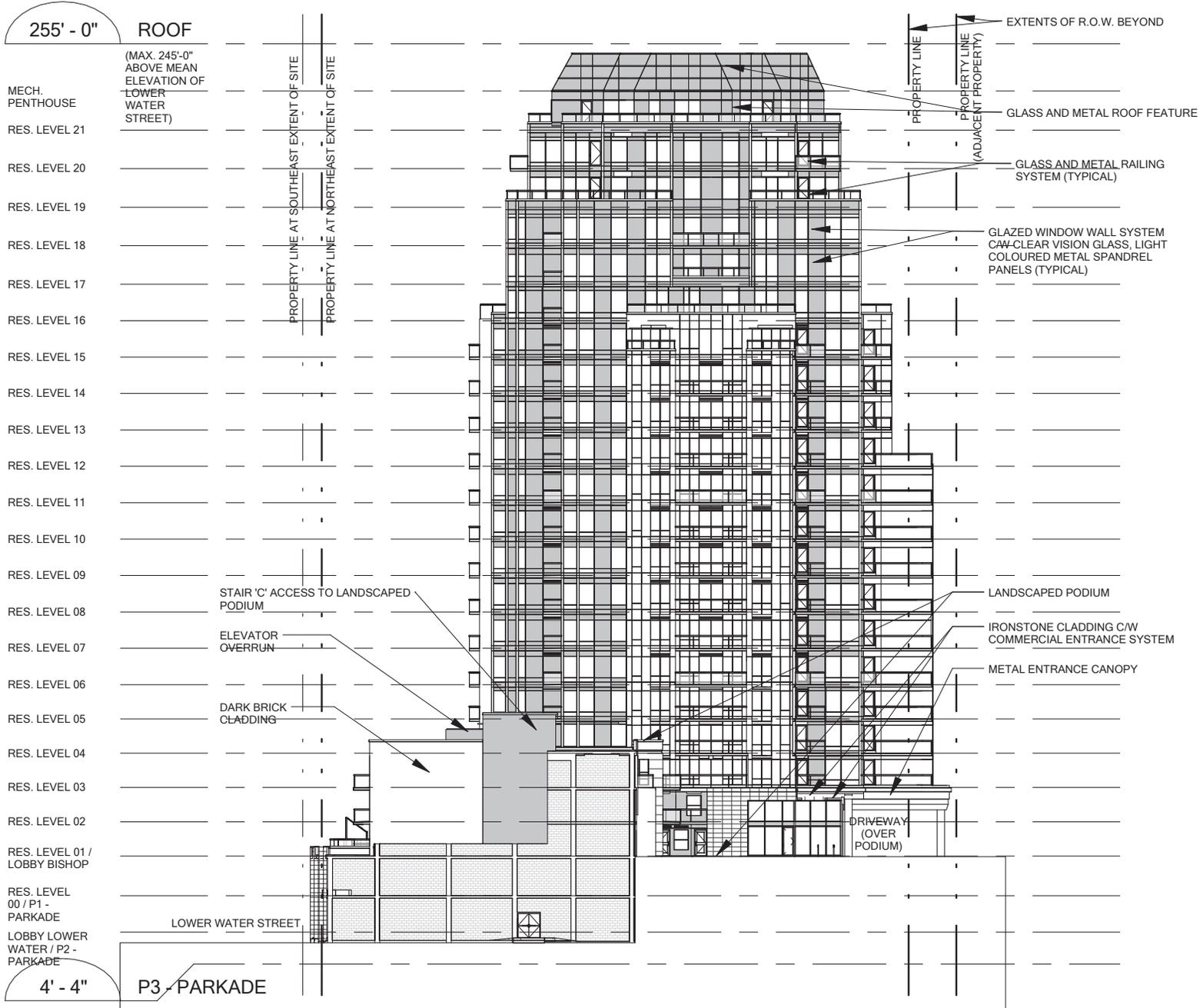
Plan # 20312-020



Alternate Elevation - Hollis Street



DATE: 2016-05-06



ALEXANDER  
 BISHOP STREET  
 HALIFAX, NS

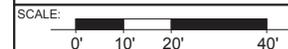
SCHEDULE 'A-6A'

Alternate Elevation - Salter Street

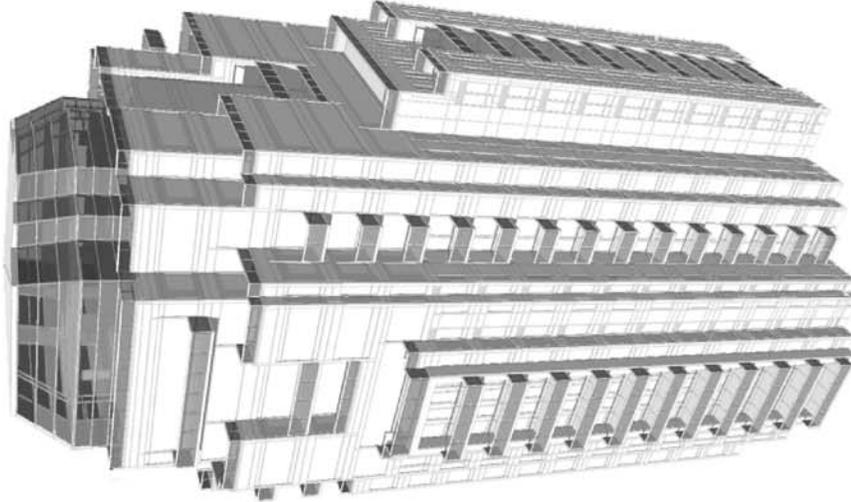
Plan # 20312-021



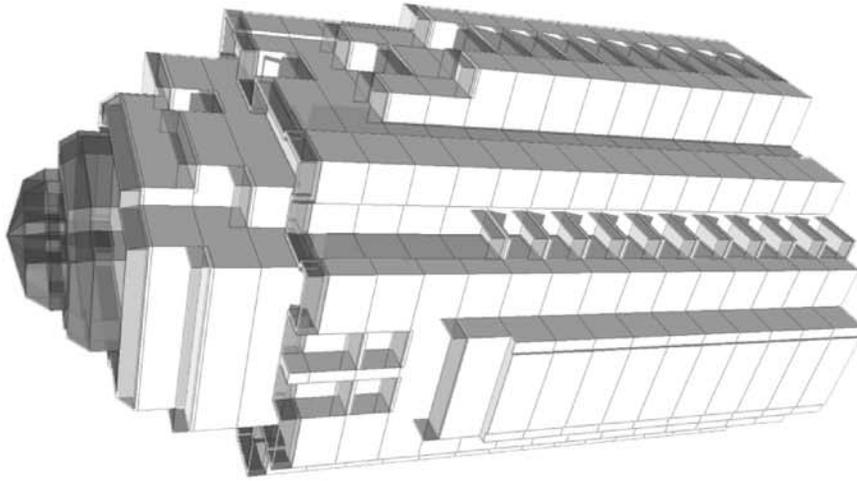
Alternate Elevation - Salter Street



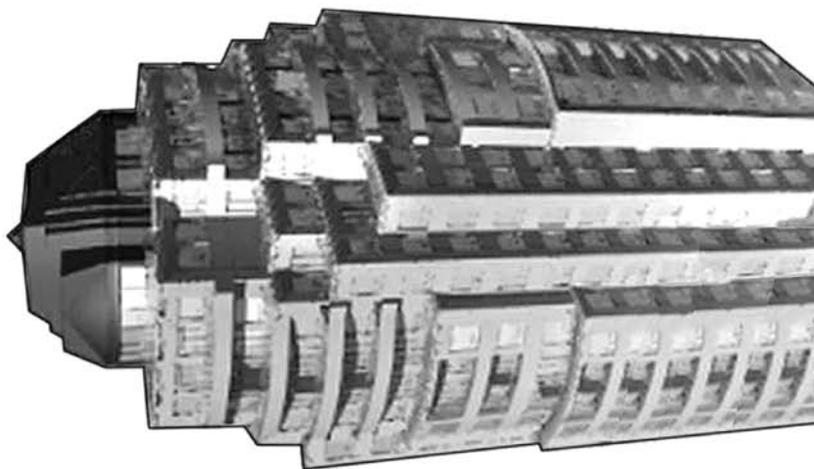
DATE: 2016-05-06



**PROPOSED  
MARCH 2016**



**DEVELOPMENT PERMIT**

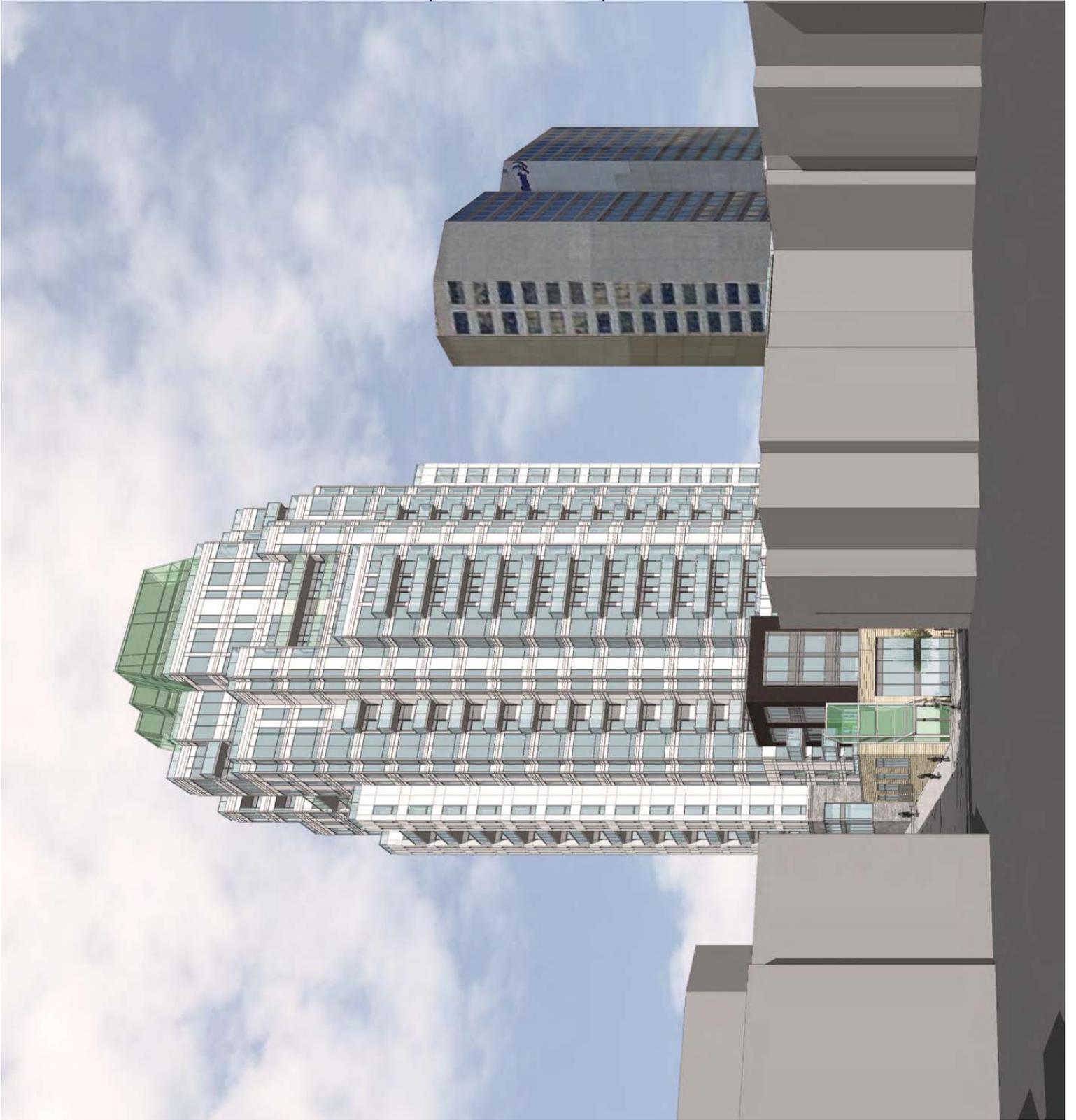


**DEVELOPMENT AGREEMENT**

# Existing Development Agreement



# Proposed Development



Proposed Corner Design



Proposed Corner Design







## Attachment C – Applicant's Submission

151-12153

May 6, 2016

Paul Sampson  
Planner II - Planning & Development  
40 Aldernery Dr., 2<sup>nd</sup> floor (Alderney Gate)

**Re: Application for non-substantial amendments to Development Agreement approved on January 16, 2009 (Case: 00971) for properties located at Lower Water, Bishop and Hollis Streets, Halifax (PIDs: 00471078, 00471060, 00003723).**

---

Dear Paul:

On behalf of our client, Killam Properties Ltd., WSP Canada Inc. (WSP) is pleased to submit an application for non-substantive amendments to the Development Agreement (DA) referenced above. To assist with this application, the following supporting materials are enclosed or included as attachments:

- Completed Planning Application Form
- \$1,830 Application Fee
- Attachment A: Proposed Schedules (B-1 – Q-1)
- Attachment B: 3D Comparison and Renderings

### **1.0 Introduction**

This application is for the following proposed changes to The Alexander: a 21-storey mixed use building at the corner of Lower Water Street and Bishop Street:

- Replacing the 'turret' architectural feature at the corner of Bishop St. and Lower Water St. with other design elements
- Alterations to the form and shape of the roof structure (penthouse)
- Alterations to the shape and recessing pieces (step backs) of main tower

Through previous discussions with representatives from HRM, it has been determined that the three proposed changes are considered minor, and are to be implemented through a non-substantive amendment process. We are proposing to implement such changes by replacing Schedules B-R and Schedules A-3, A-4, A-5 and A-6 of the original DA with the Schedules presented in Attachment A of this application (Schedules B-1 – Q-1).

### **2.0 Discussion**

#### **2.1 Non-substantive amendments**

Section 4.2(a) of the DA states that changes in architectural appearance of the building or the design, layout and positioning of the building are considered by both parties to be non-substantial matters and may be amended by resolution of Regional Council. Such changes are only considered non-substantial, provided that plans are submitted for any changes to the building design and that such changes, in the opinion of Council, are minor in nature.

Additionally, Section 4.2(b) of the DA states that architectural requirements / details as outlined in Section 2.3 of the DA and corresponding plans / Schedules are considered by both parties to be non-substantial matters, and may be amended by resolution of Regional Council. Such changes are only considered non-substantial if Council and a Heritage Planner perceive them as minor in nature.

The following sections explain each of the three proposed amendments in detail:

## 2.2 Replacement of the Turret

The DA includes an architectural feature known as ‘the turret’, which is located at the most prominent entrance to the development at the corner of Bishop Street and Lower Water Street. After thoughtful consideration, the developer believes that this feature has neither the presence nor stature of an authentic bell tower, and that its inclusion in the design degrades the authenticity of the buildings neighbor, the Keith’s Brewery building. Additionally, there are multiple buildings within the downtown area that already include turret architectural features, such as the Salter Gate Apartment Building at the Corner of Hollis Street and Salter Street (refer to Figure 1) and the Casino building located on Upper Water Street (refer to Figure 2).



*Figure 1: Salter Gate Apartments*



*Figure 2: Casino Nova Scotia*

The developer believes that including the turret feature in the proposed development would mimic the existing turret features in the downtown instead of creating a unique feature that gives the development its own identity.

Please refer to Attachment B – 3D Comparison and Renderings, which illustrates the proposed design for the entrance at the corner of Lower Water Street and Bishop Street. Instead of a turret feature, the developer is proposing to highlight this corner by flanking it with iron stone (similar to Brewery Market) and warm wood cladding. The developer is also proposing to implement a light green glass element at the corner entrance that matches the glazing of balconies above and the proposed penthouse element outlined in Section 2.3 of this letter. These proposed design elements will define this corner as a prominent feature of the development and will help create a human-scaled streetwall that emphasizes the retail uses located along Lower Water Street.

The proposed alterations to the corner Lower Water Street and Bishop Street are in keeping with Section 4.2(a) of the DA. Therefore, such alterations are eligible to be implemented through a non-substantive amendment to the DA.

### 2.3 Changes to the form, shape and material of the roof structure (penthouse)

The developer is proposing to change the form / shape of the roof structure (penthouse) of The Alexander to a more functional and practical design (refer to Figures 3 and 4).



Figure 3: Proposed roof structure

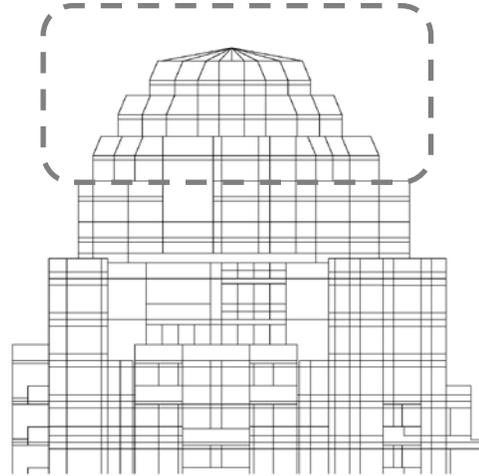


Figure 4: Original roof structure

The following subsections outline the primary reasons for the proposed alterations to the roof structure:

#### 2.3.1 Programming

The original rooftop design (refer to Figure 4, 7 and 8) includes a multi-faceted, unoccupied roof feature intended to be lit from the exterior. The proposed design of the rooftop is a two-storey faceted glass box that includes residential units on the lower level and a mechanical penthouse on the upper level (refer to Figures 3, 5 and 6). With the change in programming, the developer needed to find a way to incorporate glazing for residents into the design without compromising the angled shape as a feature of the building. It was decided that by making it 'glow' from within instead of being lit from outside, it could act as a gentle beacon. This approach allows roof structure to still be visible from the street (and from further vantage points), but in a respectful way that is cognizant of its original idea that the top floors be a feature of the building.

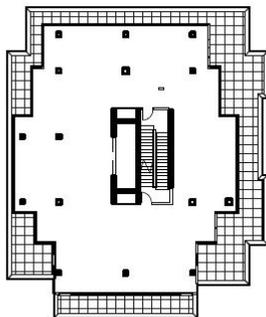


Figure 5: Proposed Level 23 – residential penthouse

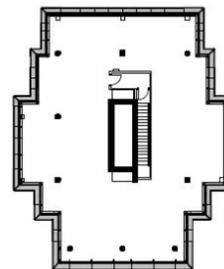


Figure 6: Proposed level 24 - mechanical penthouse

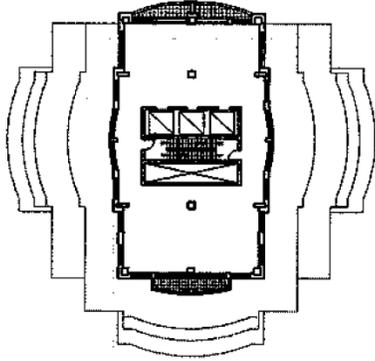


Figure 7: Original level 19

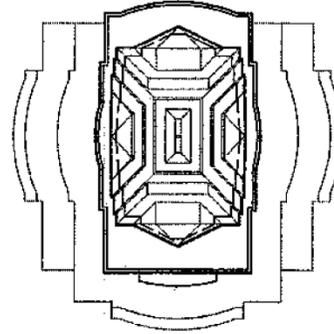


Figure 8: Original Penthouse level

### 2.3.2 Structure

The multi-faceted shape and size of the roof feature was conceived independent of the current structural design, creating the need for large transfer beams which in turn created headroom issues in the suites below. The simplified shape is rooted in sound structural principals and a more contemporary aesthetic that ultimately remains viewable from the street and neighbouring properties.

### 2.3.3 Water-control

As an owner of thousands of rental units, Killam Properties is committed to providing comfortable and well-designed spaces for tenants and their belongings. The original design is fraught with potential leak and long-term maintenance issues; therefore, it is viewed by the Owner and the Architect as a source of potential risk. To mitigate this risk, a more streamlined shape is proposed.

### 2.3.4 Architectural Style

The original DA was signed nearly seven years ago (January 2009); however, the original building drawings were completed when the DA application was submitted in 2006. This means that the design concept for The Alexander was set several years before the commencement of construction (Summer 2015). Over this time span, various factors such as a new ownership team, changing market conditions and an outdated architectural design meant that the project had to evolve to meet changing needs. A contemporary version of the original design has resulted from these factors. The proposed design is based on a collective intent that is personified by choices for quality materials, including the use of ironstone as a nod to the adjacent Brewery Building, but with contemporary updates that bring it firmly into the current era.

### 2.3.5 Summary

The proposed alterations to the roof structure of The Alexander create a more functional and practical rooftop space while still respecting the original design. Such alterations are associated with the architectural appearance and layout of the building, which is in accordance with Section 4.2(a) of the DA. Therefore, the proposed alterations are eligible to be implemented through a non-substantive amendment to the DA.

## 2.4 Changes to shape and recessing pieces (step backs) of main tower

The elevation drawings included in the schedules of the approved DA outline several stepbacks on the main tower as it increases in height. Since approval in 2009, the developer has made minor alterations to the overall shape of the main tower.

In an effort to simplify the structure, the step backs of the main tower have evolved since the DA was approved. The multiple setbacks and stepbacks of the original design created a need for a large number of transfer beams, resulting in headroom issues in many suites on the upper floors. The rationalization of the structure, in coordination with the structural engineer, was an important step in the evolution of the building's design.



Figure 9: Proposed main tower

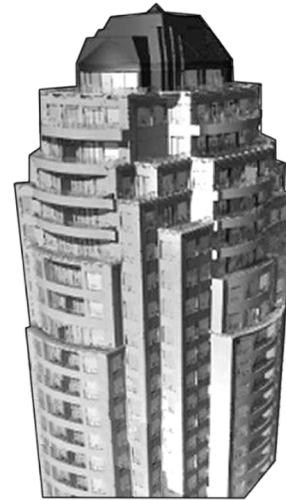


Figure 10: Original main tower

Referring to Figures 9, 10 and 11, it appears that the main tower has fewer setbacks than the original design; however, it is necessary to keep in mind that the proposed floor plate is faceted, creating a significant amount of push and pull to the facade that reduces the mass from the ground. The proposed design is not a square box - it is a tapered and faceted design that inherently provides a lighter shape toward the top, which is in keeping with the original intent of the development agreement.

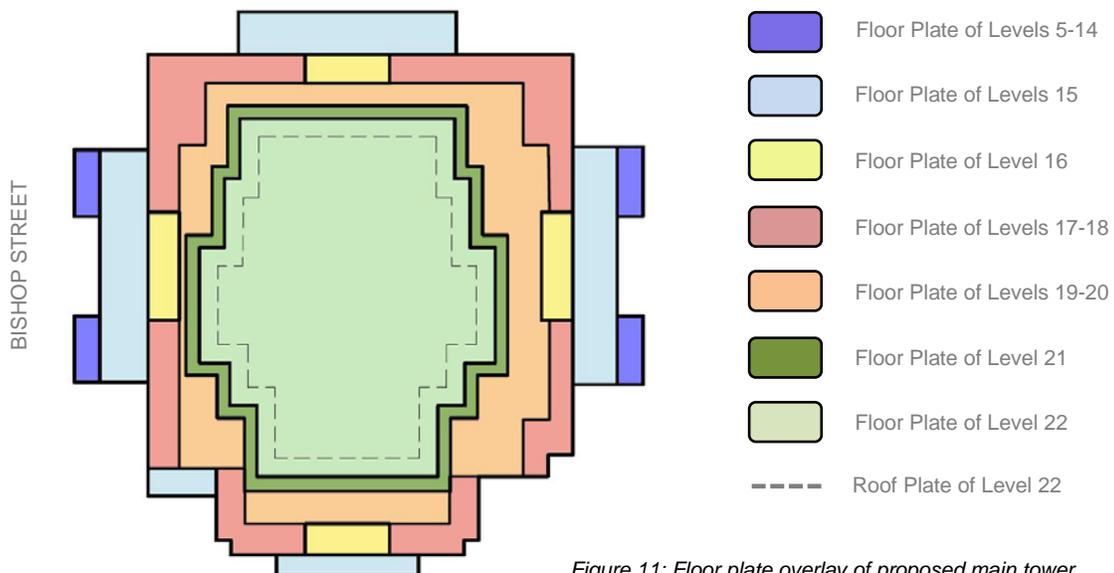


Figure 11: Floor plate overlay of proposed main tower

The proposed alterations to the main tower are related to the architectural appearance and layout of the building. Such changes are in accordance with Section 4.2(a) of the DA; therefore, they are eligible to be implemented through a non-substantive amendment to the DA.

**3.0 Conclusion**

The proposed non-substantive amendments are consistent with the intent of the DA approved in 2009 and applicable municipal policies. The proposed alterations will improve the overall function and appearance of the Alexander building while still preserving the integrity of the overall development and its surrounding uses.

WSP trusts that the enclosed materials satisfy the application requirements, and we look forward to working with Staff and Council throughout the application process. Should you have any questions, comments or concerns with regards to this application, please do not hesitate to contact the undersigned.

Yours truly,  
**WSP Canada Inc.**  
Original Signed

**Connor Wallace, BCD**  
Urban Planner  
T: 902.835.9955

Cc: Kourosh Rad – WSP

**Attachment D – Primary Policies of Downtown Halifax MPS, former Halifax MPS and Regional MPS**

**Downtown Halifax Municipal Planning Strategy**

**CHAPTER 8: IMPLEMENTATION**

**8.6A TRANSITION TO THIS PLAN**

During the course of preparation of this Plan, development continued to occur in the Plan area according to the previous MPS policies and land use by-law requirements. At the time of Plan adoption, development agreement applications in various stages of review and approval remained in progress. In consideration of the fact that these projects were designed within the parameters of the previous policies of the Halifax Municipal Planning Strategy, the substantial investment made in the preparation of such applications and that they were submitted in advance of this Plan being given first reading by Council, it is reasonable that provision be made to allow Council to consider them after the effective date of this Plan under the previous policies. Similarly, non-substantive amendments to approved development agreements should also be able to be considered under the previous policies.

It is not, however, appropriate that development that is not in conformance with this Plan be afforded longstanding rights relative to time frames for project approval and completion. Developments that are not constructed and completed within a reasonable time period after Plan adoption should be required to comply with the requirements of the Land Use By-law.

**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.

**Former Halifax Municipal Planning Strategy**

**SECTION IV – HALIFAX WATERFRONT DEVELOPMENT AREA, OBJECTIVES AND POLICIES: 2. LAND USE:**

- 2.4** For the southern half of the block bounded by Bishop, Hollis, Salter and Lower Water Streets, on lands known as the Alexander Keith's Brewery District (PID #s 00471078, 00471060, 00003749, 00003731, 00003723 and 00480418), Council may permit a predominantly mixed-use development, by development agreement, pursuant to Implementation Policy 3.5.3 and the Regional Municipal Planning Strategy Policy CH-2.
- 2.4.1** Any development permitted pursuant to Policy 2.4 shall incorporate low to medium rise building elements abutting Lower Water and Hollis Streets and a recessed, high-rise component which includes adequate separation from, or modulation of building massing in relation to, abutting heritage properties and streets.

**2.4.2** Further to Policy 2.4.1, building heights and setbacks shall comply with the following:

- (a) the height of any building abutting Lower Water and Hollis Streets shall not exceed 60 feet above the mean elevation of the street in front of the building;
- (b) the maximum height of the recessed tower component shall be 245 feet above the mean elevation of Lower Water Street;
- (c) the tower component shall be set back a minimum of 65 feet from the Hollis Street line and 50 feet from the Lower Water Street line.
- (d) minimum setbacks of the tower from the Bishop Street line shall comply with the following:
  - (i) Zero feet, provided that the building width does not exceed 45 feet;
  - (ii) 15 feet, provided that the building width does not exceed 90 feet;
  - (iii) 25 feet, provided that the building width does not exceed 115 feet;
  - (iv) 35 feet, provided that the building width does not exceed 140 feet;
- (e) the tower component shall be set back a minimum of 20 feet from the nearest property line of 1459 Hollis Street (PID# 00003756) and 60 feet from the nearest property line of Keith's Brewery (PID# 00003723);
- (f) no portion of the building shall protrude through a viewplane or shall be visible above the Citadel Ramparts as specified by Sections 24 and 26B of the Land Use By-law.

**2.4.3** The maximum gross floor area of the base floors of the tower (footprint) shall be 11,000 square feet each.

**2.4.4** The development agreement for any mixed-use proposal as indicated in Policy 2.4 shall include provisions for the concurrent restoration/ rehabilitation of the exterior facade of Alexander Keith Hall (Civic 1471 Hollis Street, PID# 00003723).

## **Former Regional Municipal Planning Strategy, 2006**

### **6.1.1 Development Abutting Registered Heritage Properties**

The Halifax Secondary Planning Strategy contains criteria that new development adjacent to heritage properties must meet. While these criteria apply only within the Halifax Plan Area, the development of properties which abut federally, provincially or municipally registered heritage properties in all areas of HRM also warrants consideration. Policy EC-3 requires HRM to prepare a Regional Centre Urban Design Study that will be coordinated with the Heritage Functional Plan required in Policy CH-13. Once completed these plans will, among other things, address and clarify issues surrounding heritage protection and new development. In the interim, Policy CH-2 will provide guidance for development abutting heritage properties. It is not the intent of this policy to require that new development replicate the appearance of abutting federally, provincially or municipally registered heritage structures, but rather to require innovative design solutions that incorporate architecture, place-making, and material selection of the highest quality that are appropriate in relation to their abutting neighbours.

CH-2 For lands abutting federally, provincially or municipally registered heritage structures, 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 structures by considering the following:

- (a) ensuring that new developments respect the building scale, massing, proportions, profile and building character of abutting federally, provincially or municipally registered heritage structures by ensuring that they:
  - (i) incorporate fine-scaled architectural detailing and human-scaled building elements within the pedestrian realm;
  - (ii) consider, within the pedestrian realm, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage structures; and
  - (iii) any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm by incorporating design solutions, such as setbacks from the street wall and modulation of building massing, to help reduce its apparent scale;
- (b) the siting of new developments such that their footprints respect the existing development pattern by:

- (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
  - (ii) respecting the existing front and side yard setbacks of the street or heritage conservation district including permitting exceptions to the front yard requirements of the applicable land use by-laws where existing front yard requirements would detract from the heritage values of the streetscape;
- (c) minimizing shadowing on public open spaces;
- (d) complementing historic fabric and open space qualities of the existing streetscape;
- (e) minimizing the loss of landscaped open space;
- (f) 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;
- (g) 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;
- (h) having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and
- (i) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.

IM-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:

- (a) that the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of HRM to absorb any costs relating to the development;
  - (ii) the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems;
  - (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;

- (iv) the adequacy of road networks leading to or within the development;
  - (v) the potential for damage to or for destruction of designated historic buildings and sites;
- (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) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) traffic generation, access to and egress from the site, and parking;
  - (iv) open storage;
  - (v) signs; and
- (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.