

HALIFAX

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

Item No. 14.1.11
Halifax Regional Council
October 2, 2018

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY: Jacques Dubé, Chief Administrative Officer

DATE: August 31, 2018

SUBJECT: **Case 21248: Discharge of Existing Development Agreement at Lower Water, Bishop and Hollis Streets, Halifax**

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 Discharging Agreement, which shall be substantially of the same form as set out in Attachment A of this report; and
2. Require the Discharging 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; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

WSP Canada, on behalf of Killam Investments Inc., has applied to discharge the original and amending development agreements which apply to the lots on Lower Water, Bishop and Hollis Streets, Halifax which contain the newly constructed “Alexander” tower, “Keith’s Hall” and the “Brewery Market” buildings. The proposed discharge would allow development of these properties in accordance with the DH-1 zone of the Downtown Halifax Land Use By-law.

Subject Site	Lot A-2B (1496 Lower Water St.), Lot A-3 (5121 Bishop St.) and Lot A-4 (vacant lot on Hollis St., next to Keith Hall)
Location	Southern half of the block bound by Lower Water, Bishop, Hollis and Salter streets.
Regional Plan Designation	Urban Settlement
Community Plan Area	Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS), Precinct #1 (Southern Waterfront)
Zoning (Map 1)	DH-1 Zone, Downtown Halifax Land Use By-law; partially encumbered by Viewplane #6
Size of Site	Approximately 1 hectare (2.45 acres) total
Street Frontage	Approximately 325 metres (1,065 feet) total, on 3 streets
Current Land Use(s)	Mixed-use development (existing & under construction)
Surrounding Use(s)	The surrounding area contains a broad mix of land uses and range of building styles and sizes, including: <ul style="list-style-type: none">• registered heritage buildings such as Keith Hall, the Brewery Market buildings and Benjamin Wier House, which are owned by Killam Investments, and the Lieutenant Governor’s residence and the Black-Binney House on the west side of Hollis Street; and• more recently constructed buildings such as Bishop’s Landing, Waterfront Place, 1360 Lower Water Street, the Waterford, Four Points Sheraton and Salter’s Gate.

Existing Development Agreement

The original development agreement was approved by Regional Council on September 9, 2008, following approval of amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-law. These site-specific approvals were granted prior to the adoption of the overall Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS) and Land Use By-law (LUB).

The original agreement allowed the following:

- 1475 Hollis Street (“Keith Hall”): exterior alterations, façade improvements and a one-storey addition to the top of the existing building and an interior change of use from commercial to residential;
- PID 00471060 (“Halkirk House”): a proposed new 5-storey residential infill building on a vacant site next to Keith Hall on Hollis Street; and
- 5121 Bishop Street (“The Alexander”): a multi-storey mixed-use development, at the corner of Lower Water and Bishop Streets.

Council subsequently approved amendments to the original agreement as follows:

- In early 2014, to allow for a 3-year extension to the date of commencement of the “Alexander”

portion of the development and for exterior changes and additional land use options for the Keith Hall and Halkirk House buildings; and

- In mid-2016, to allow for exterior design changes to the Alexander building which affected the appearance of the uppermost levels of the tower and the ground-level corner entrance at Lower Water and Bishop Streets.

Proposal

Development of the property in accordance with the approved agreement is approaching completion and the property owner has requested the discharge of the original and amending development agreements (Attachment B). The reasons for the request are as follows:

- The existing agreement requires specific work to be carried out on Keith Hall prior to final occupancy of the Alexander tower. This work includes extensive façade improvements and the construction of a mansard style, one-level rooftop addition. The property owner has carried out the required façade improvements as agreed but the one-level addition is no longer desired. The applicant has submitted a heritage impact statement which confirms completion of the façade improvements and provides rationale for the deletion of the addition from the proposal (Attachment B);
- The owner no longer proposes to construct the 5-storey Halkirk House infill building on Hollis Street, next to Keith Hall. Instead, they propose an enhanced, landscaped pedestrian entrance to the Brewery Market buildings which are currently being renovated;
- The owner is considering the construction of additional floor area in another location on the site which is not permitted by the existing agreement. The DHSMPS that was adopted subsequent to the development agreement does not include any mechanism for substantive changes to existing development agreements. Therefore, discharge of the development agreement and application of the site plan approval process under the DHSMPS and LUB is the appropriate mechanism to allow the proposal; and
- All other work on the site of the Alexander tower, including site landscaping and wind mitigation measures, is nearing completion and the building is close to being ready for full occupancy. Security deposits being held by the Municipality in advance of completion of landscaping work and the rooftop addition to Keith Hall will be returned to the applicant if the discharging agreement is approved.

Discharge of Development Agreements

The Halifax Regional Municipality Charter provides Council with a mechanism to discharge development agreements. Part VIII, Section 244, identifies that Council may discharge a development agreement, in whole or in part, in accordance with the terms of the agreement or with the concurrence of the property owner. The Charter does not require a public hearing for the discharge of an agreement or a portion thereof. A development agreement may be discharged by resolution of Regional Council.

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. A public information meeting and public hearing are not required to discharge a development agreement.

DISCUSSION

Staff have reviewed the proposal against the policies of the DHSMPS and the conditions contained within the existing agreement and advise that the proposed discharge is consistent with the intent of the DHSMPS. Of the matters addressed within the existing development agreement, the following have been identified for

detailed discussion:

Completion of Work Required in Development Agreement

The original intention behind the requirement that façade improvements on Keith Hall be completed prior to occupancy of the Alexander tower was to provide a guarantee that this work would be carried out in a timely manner. Staff note the façade improvements were completed in accordance with the agreement well in advance of the Alexander's construction.

The agreement also included references to the completion of the rooftop addition to Keith Hall in a similar context to the completion of the façade improvements. However, reference to the rooftop addition were noted simply because it was part of the applicant's proposal at that time. It was not the intention to require the rooftop addition in the event that the developer no longer intended to build it.

Under these circumstances, staff concur with the request to delete the rooftop addition from the proposal. The applicant has further indicated their intention to complete all work required by the agreement, including landscaping and wind mitigation measures, and has confirmed that the building meets the viewplane requirements of the LUB (Attachment C).

Development of Halkirk House

Staff have no objection to the deletion of the proposed Halkirk House portion of the development in exchange for an enhanced landscaped entry to the site from Hollis Street.

Development Rights Following Discharge

The height of the Alexander exceeds that which is currently permitted by the Downtown Halifax LUB. Therefore, no additional building heights will result from discharging the existing agreement. The discharge of the agreement would provide the applicant with the same development rights offered to other properties within downtown Halifax under the DH-1 zone. Should the agreement be discharged the structure would be considered non-conforming and subject to Section 6(5) of the Land Use By-law. Under this section, non-conforming structures are permitted to be extended, enlarged, or altered as long as the changes comply with the LUB or a variance is granted by the Design Review Committee.

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

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred to satisfy the terms of this proposed discharging agreement. The administration of the proposed discharging agreement can be carried out within the approved 2018-2019 budget and with existing resources.

RISK CONSIDERATION

The absence of a policy enabling the amendment of the development agreement to bind the developer to any outstanding work creates a minor risk relative to delivery of some landscaping and wind mitigation elements after the agreement is discharged. However, the applicant has performed diligently as required throughout this project to date and has provided clear (non-binding) written confirmation of their intent to complete this work. The only option to eliminate this risk would be to defer occupancy of the completed Alexander Tower until such time as these minor outstanding items are fully completed. Under the circumstances, staff consider both the impact and likelihood of this risk to be very low and recommend approval of the discharge as proposed.

Otherwise, 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 the existing development agreement. Information concerning risks and other implications of adopting the proposed discharging agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Regional Council may choose not to discharge the existing Development Agreement and therefore, development on the property would remain subject to the conditions of the Agreement. A decision of Council to refuse to discharge a development agreement is appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1	Zoning
Attachment A	Proposed Discharging Agreement
Attachment B	Applicant's Submission
Attachment C	Confirmation of Outstanding Work

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Paul Sampson, Planner II, 902.490.6259

Report Approved by: Original Signed
Steven Higgins, Manager of Current Planning, 902.490.4382

Financial Approval by: Original Signed
Jerry Blackwood, Acting Director of Finance and Asset Management/CFO, 902.490.6308

Report Approved by: Original Signed
Kelly Denty, Director, Planning and Development, 902.490.4800

**ATTACHMENT A
PROPOSED DISCHARGING AGREEMENT**

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

BETWEEN:

[INSERT NAME OF CORPORATION/BUSINESS LTD.]

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

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at Lower Water, Bishop and Hollis Streets, Halifax (PID # 00471078, 00003723, 00471060) and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Regional Council of the Municipality approved an application to enter into a development agreement to allow for a mixed-use development on the Lands (referenced as Municipal Case Number 00971), which said Development Agreement was registered at the Halifax County Land Registration Office on January 16, 2009 as Document Number 92581199 (hereinafter called the "Original Agreement");

AND WHEREAS the Regional Council of the Municipality approved an application to enter into an amending development agreement to allow for an extension to the date of commencement of development on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on March 14, 2014 as Document Number 104759643 (hereinafter called the "First Amending Agreement" and referenced as Municipal Case Number 18817);

AND WHEREAS the Regional Council of the Municipality approved an application to enter into an amending development agreement to allow for exterior alterations and internal change of use of the Keith Hall and Halkirk House buildings on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on April 17, 2014 as Document Number 104924338 (hereinafter called the "Second Amending Agreement" and referenced as Municipal Case Number 19028);

AND WHEREAS the Regional Council of the Municipality approved an application to enter into an amending development agreement to allow for exterior building design changes to the Alexander tower at the uppermost tower levels and the ground-level corner entrance, including replacement of various schedules of the agreement, which said Development Agreement was registered at the Halifax County Land Registration Office on August 23, 2016 as Document Number 109460718 (hereinafter called the "Third Amending Agreement" and referenced as Municipal Case Number 20312);

AND WHEREAS the Original Agreement, First Amending Agreement, Second Amending Agreement, and Third Amending Agreement together comprise the Existing Development Agreement (hereinafter collectively called "the Existing Development Agreement");

AND WHEREAS the Developer has requested that the Existing Development Agreement be discharged from the Lands;

AND WHEREAS Section 244 (2) of the Halifax Charter states that Council may discharge a development agreement, in whole or in part, in accordance with the terms of the agreement or with the concurrence of the property owners;

AND WHEREAS, pursuant to the procedures and requirements contained in the *Halifax Regional Municipality Charter*, the Regional Council of the Municipality approved this request by resolution at a meeting held on **[INSERT DATE]** referenced as Municipal Case Number 21248;

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

1. The Existing Development Agreement is hereby discharged as it applies to the Lands and shall no longer have any force or effect.
2. Any future development of the Lands shall conform with all applicable provisions and requirements of the applicable Land Use By-law, as amended from time to time.

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

SIGNED, SEALED AND DELIVERED in the presence of:

INSERT REGISTERED OWNER NAME

Witness

Per: _____

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

HALIFAX REGIONAL MUNICIPALITY

Witness

Per: _____
MAYOR

Witness

Per: _____
MUNICIPAL CLERK



November 6, 2017

Paul Sampson MCIP, LPP, Planner II | Urban enabled Applications
Planning & Development, Development Approvals
Halifax Regional Municipality
40 Alderney Drive, 2nd floor, Alderney Gate
PO BOX 1749, Halifax, NS B3J 3A5

Attention: Case 21248 Brewery Market – Amend Application to Discharge

Dear Paul:

On behalf of our client Killam Apartment REIT (Killam) we formally request that HRM Case 21248 (an application requesting non-substantial amendments to Development Agreement (DA) Doc. Number 92581199) be changed to an application requesting to discharge the existing DA, Doc. Number 92581199 and associated amendments. The DA was registered January 2009 (Case 00971) and applies to properties located at Lower Water, Bishop and Hollis Streets, Halifax (PIDs: 00471078, 00471060, 00003723) and refers to the development commonly known as ‘the Alexander’.

If granted, this request will:

- Ensure the Alexander is completed subject to the approved Building Permit,
- Ensures the DA conditions associated with the Alexander development as described in DA 92581199 are met with the mutually agreeable exceptions noted below.
- Allows continued redevelopment and landscaping of, and additions to, the subject site that will be regulated under the current land use regulations and policy objectives of the Downtown Halifax Secondary Planning Strategy (SPS) and Land Use By-law (LUB).
- Acknowledges the previously completed renovation of Keith Hall and removes Killam’s obligation to construct the mansard roof.
- Returns Killam’s letter of credit securing the mansard roof.
- Removes the approval of the portion of the development known as Halkirk House with the potential to provide enhanced circulation through the site.

1 Spectacle Lake Drive
Dartmouth, NS, Canada B3B 1X7

Tel.: +1 902-835-9955

T +1 902-835-1645
wsp.com



Through this application, we are seeking staff recommendation and approval from Halifax and West Community Council to:

1. Approve the proposed discharge agreement; and
2. Return to the developer the security deposit associated with Sections 2.3.3 and 2.11.1 of the discharged Development Agreement.

Supporting Material

In order to assist with this application amendment, the following supporting materials are attached:

- Previously Submitted Heritage Impact Letter
- Subject Development Agreement we wish to discharge

DATE	DEVELOPMENT AGREEMENT	DOC. NUMBER
2009, January 16	Original	92581199
2014, March 14	Amendment – Time Extension	104759643
2014, April 17	Amendment – Keith Hall and Halkirk House Schedules	104924338
2016, August 23	Amendment – Alexander Schedules	109460718

Background and Discussion

The existing DA, 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. The request for a discharge of the existing development agreement is enabled by Section 244 of the HRM Charter. Section 244 allows Council to discharge the agreement with the concurrence of the property owner. Staff have informed us any portions of the existing building(s) that do not conform to the Downtown Halifax MPS and LUB would be grandfathered, pursuant to Section 253(2) a & b.

The following is a summary of development the DA enables, the status of each aspect and what the discharge will accommodate.

- **KEITH HALL**
DA Requires
 Refurbishment to Keith Hall: exterior alterations, facade improvements and a one-storey mansard roof addition to the top of the building (Section 2.3.3).

Status

Refurbishment to historic portion of Keith Hall has been completed as per the DA requirements. In 2014 the high standard of Keith Hall's refurbishment, led by Graeme Duffus, was awarded a Lieutenant Governor Design Award. The Mansard addition was not completed and in the opinion of the project architect, as

offered in the previously submitted Heritage Impact Letter (attached), is not required to meet heritage policy goals.

Discharge Accommodates

The discharge will remove the requirement for the mansard roof addition thereby providing a higher standard of heritage conservation than previously contemplated. By not building the addition the completed refurbishment is more aligned with the character defining elements as stated in the Staff Report of February 11, 2014 (Item 11.4.1),

“Under the Heritage Property Act, the "character-defining elements" of a heritage building are defined as "the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value."

The following is a list of character-defining elements relating to the architectural significance of Keith Hall:

- *“three-storey building height;*
- *flat roof with a projecting bracketed cornice, dentils and projecting corner mouldings;*
- *smooth sandstone exterior laid out in a symmetrical five-bay arrangement with quoins on the front facade;*
- *elaborate portico with urn-topped balustrade linked with moulded stringcourse above ground floor windows;*
- *classical entablature caps over second-storey windows with carved sandstone floral pediments;*
- *stringcourses connecting window sills on second and third storeys; and*
- *original stained glass windows on the rear facade.”*

The mansard roof addition would add elements contradictory the above list, such as a fourth storey and removal of the flat roof. The discharge will remove the mansard roof requirement and greater preserve Keith Hall’s heritage value.

Discharging the DA will also remove the requirement of the Section 2.11.1 of the DA which requires a security deposit pending completion of the Mansard roof addition. This Section states:

“No Occupancy Permit shall be issued for the Alexander until such time as the restoration and addition to Keith Hall has been completed in accordance with Section 2.3.3. The Developer shall provide written certification from the Project Architect to the Development Officer indicating that all restoration and addition has been completed in accordance with the above. However, where such building has been completed and all other terms of this agreement, except for the restoration and addition to Keith Hall, have been met, an Occupancy Permit may be issued provided

that the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the restoration and addition to Keith Hall."

As assurance of refurbishment, the attached Heritage Impact Letter states, "...we can certify that sub section 2.3.3.1, 2.3.3.2 and the stucco covered brick to remain in 2.3.3.4, have all been completed or has been retained, to our approval, as was required within these clauses". As required by Section 2.11.1, a security deposit for phase 1 occupancy was issued September 2017. Upon discharge of the DA this security deposit shall be returned to the developer.

- **ALEXANDER TOWER**

DA Enables

A 21-storey mixed-use development at the corner of Lower Water and Bishop Streets.

Status

Alexander Tower is under construction with total completion of the project expected in the spring of 2018. Occupancy of the first phase was granted on October 1st 2017. The landscaping required in the DA is not complete.

Discharge Accommodates

The Alexander is being completed based on its Building Permit which respects the requirements of the DA. The outstanding landscaping requirements listed in the DA will be secured via letter of credit or certified cheque prior to discharge of this agreement. The security will be returned upon completion of the landscaping and certification by a registered landscape architect.

- **New "HALKIRK HOUSE":**

DA Enables

A proposed 5-storey residential infill building recreating Halkirk House next to Keith Hall.

Status

This infill is not a requirement of the DA and has not been built.

Discharge Accommodates

Killam no longer seeks to recreate the Halkirk House. The developer's goals for this project is to maintain and refurbish existing heritage and it is envisioned this space will provide appropriate connections to the Keith's Brewery and Brewery Market which they are actively renovating.



Supports implementation intent of Downtown Halifax SPS

Implementation Policy 90D of the Downtown Halifax SPS supports limitation of non-substantive amendments to Development Agreements in the Downtown Halifax SPS area. The intent of this policy is to support the goals of the Downtown Halifax SPS and LUB by limiting the ability of existing DAs to be amended and risk not adhering to the area's policy and regulations.

The discharge of the Brewery Market DA supports this implementation strategy. The developer's goals and future development on the site are and will be aligned to the Downtown Halifax SPS and LUB and its vision to build a vibrant downtown core.

The discharge is supported by Section 6.4 of the DA which states:

"Upon the completion of the development or portions thereof, or within/after ten years from the date of registration of this Agreement with the Registry of Deeds or Land Registration Office, whichever time period is less, Council may review this Agreement, in whole or in part, and may:

- a) retain the Agreement in its present form;*
- b) negotiate a new Agreement;*
- c) discharge this Agreement on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Halifax Peninsula, as may be amended from time to time."*

Conclusion

WSP trusts that the enclosed materials satisfy the application requirements, and we look forward to working with Staff and Council throughout the application process. Killam is seeking to have this discharge move quickly through process. We respect that Staff resources are valuable and we are prepared to answer your questions and supply supporting materials upon request. Should you have any questions or comments at this time regarding this application, please do not hesitate to contact me.

Kindest Regards,



Jeffry Haggett, MCIP LPP
Senior Planner, Development and Strategy

Encl.

cc:

Andrew Kent, Killam REIT
Maggie Holms, HRM



5495 Spring Garden Rd, 4th floor, Halifax, Nova Scotia B3J 1G2
T 902 420 9990 F 902 420 9450 dsra.ca

15 June 2017

Halifax Regional Municipality
40 Alderney Drive
2nd Floor, Alderney Gate
Dartmouth, Nova Scotia
B2Y 3A1

Attention: Halifax Regional Municipality - Development Officer

RE: **Heritage Impact Letter – Re: changes to DA dated January 9th, 2009, regarding Keith Hall**

RE: Our support for amending the 2009 DA (dated January 9th, 2009, from requiring completion of the top floor addition to Keith Hall, to no longer making this addition a condition of the occupancy permit.

Under Section 2.2.3 of the DA, Item 2.11 Completion of Keith Hall, subsection 2.11.1 states: *2.11.1 No Occupancy Permit shall be issued for the Alexander until such time as the restoration and addition to Keith Hall has been completed in accordance with Section 2.3.3.*

Section 2.3.3 of the DA, states four (4) conditions to be met. As per Section 2.11.1 of the DA, **we can certify that sub section 2.3.3.1, 2.3.3.2 and the stucco covered brick to remain in 2.3.3.4, have all been completed or has been retained, to our approval, as was required within these clauses.** Otherwise, no decking has been installed, nor is it contemplated, as we understand it.

Sub section 2.3.3.3, regarding the addition of a replica Mansard Roof, had been designed but is not now deemed viable, as numerous assumptions and conditions have now changed. As such, we support removal of this section from the DA as a condition for an occupancy permit for the development. Our reasons were best laid out to the Developer about two years ago when we reviewed the DA and our original rationale for the Mansard, which was developed in the context of a Residential Condominium use, with a linked in-fill building. Neither of these is now contemplated. Our correspondence follows:

“I just reviewed the original Design Rationale from 2003 & 2006. In those documents it refers to the three known rooflines and their life spans. We chose the mansard for two simple reasons.

- 1. At the time, we were looking at making this building a Condo and the original roofline was more of an attic so was inappropriate for that kind of use; and,*

2. *the Mansard roofline was the longest roof profile in the building's history, probably 50-65 years.*

As it looks now, it more closely resembles the original roofline from the street view. The view from a distance on Hollis street is mostly obstructed by the building infill on the north and if, or when, an infill is done to the south, none of the side views will remain. The Heritage property next door down (Benjamin Weir House), also obstructs the south elevation from any distance view. The only reason to raise the parapet side wall or chimneys on the south now would be if needed in relationship to the adjacent infill.

Going back to the post 1955 parapet is not recommended as it was out of keeping with the building's architecture. In fact up close, the little bit of side parapet now visible between the parapets, is remarkably similar to the historic photo (attached) of the original design. One could not see the original low pitched roof then, unless elevated well above the street.



The addition of the proposed mansard roofline does project thru the view plane, although it was agreed by all that that was grandfathered due to the existence of the original north wall and 1955 elevator tower which also projects the plane on the north east corner. If that were to be removed some day, then the full view plane would be clear. If no infill to the south is contemplated or built, a new top floor of Keith Hall would also not have two exits unless one were installed internally, which is problematic as well.

Consequently, if the proposed Mansard restoration is not desired, nor economically feasible, and/or an infill building with an exit is not going to be built, we would recommend that the present roofline be left as is.

This would be the most compatible street view of the building going forward.”

We have added a recent picture to the document above to demonstrate the rooflines similarity as completed, to the original of 1863. This project won a Nova Scotia Lieutenant Governor's Award – Citation for 2014.

In closing, we can support the removal of subsection 2.3.3.3 altogether.

Should you have any questions pertaining to the rational or the completion of the work, we would be pleased to answer them.

DSRA Architecture



Graeme F. Duffus NSAA CAHP FRAIC
Director of Building Conservation

Attachment C: Confirmation of Outstanding Work



3700 Kempt Road, 1st Floor
Halifax, Nova Scotia
B3K 4X8
Phone: (902) 453-4536
Fax: (902) 455-4525
pfraser@killamproperties.com

Halifax Regional Municipality
PO BOX 1749
Halifax NS B3J 3A5
T. 902.490.6259
halifax.ca

July 6th, 2018

Attention: Paul Sampson, 40 Alderney Dr., 2nd floor

Re. The Alexander's Landscaping and Wind Mitigation

- **We refer to Schedule B-1 of the Development Agreement (Site / Landscape Plan). The Landscaped roof deck is 90% complete. The landscaped courtyard is 50% complete. Improvements to the eastern sidewalk are 100% complete. All landscaping including the Alexander Keith Lane ROW's asphalt paving will be completed prior to July 31st 2018.**
- **Please note the December 2007 RWDI Pedestrian Wind Study identified 3 areas of concern and included two recommendations. Killam Apartment REIT is committed to completing the wind mitigation measures prior to building completion.**

Best Regards,

ORIGINAL SIGNED BY

Andrew Kent
Associate Director - Development

10 July, 2018

Halifax Regional Municipality
Planning & Development Services
PO Box 1749
Halifax, NS B3J 3A5

Attention: Paul Sampson
Re: The Alexander, 5121 Bishop Street, Wind Mitigation Report Update.

The original pedestrian wind study for the Alexander was carried out by RWDI, Consulting Engineers and Scientists, in 2007. A full wind tunnel model was utilized to evaluate wind comfort around the Brewery Market District and the then proposed Alexander. A follow up letter of opinion, also by RWDI, was prepared in 2015. This concluded that the 2007 and 2015 buildings were similar enough in form that the conclusions reached in the original wind tunnel study would generally hold true for the present Alexander building.

The original report highlighted three areas of the building that could require mitigation intervention. One of these, namely upper terraces, was expected to exhibit uncomfortable wind conditions in winter. Since there is expected to be little usage of these areas in winter, no additional mitigation was recommended.

The entrance at the corner of Bishop and Lower Water was recommended to remain recessed. The final design iteration of the building increased the depth of the recess in this area from the original plan. To provide further mitigation, a glass railing/wind screen will be installed between the glass entry feature and Bishop Street, and the reverse camber roof of this feature should provide additional dispersion of downwash from the tower above.

The main entrance area has added a large planter between Bishop Street and the entry vestibule. A glass railing/wind screen will be mounted on the top side of this planter. This element is expected to provide similar protection as the half-height glass wall suggested by the original report.

All of these areas will be monitored through a full season cycle to establish a baseline for pedestrian comfort. Although we feel that these areas will perform as intended, if problems arise, further mitigation methods will be explored.

Regards,



Michael Napier NSAA AANB MRAIC



July 3, 2018

Paul Sampson
Planner II – Urban Enabled Applications
Halifax Regional Municipality
40 Alderney Drive
Halifax, NS, B3J 3A5

Subject: Certification of View Plane Requirements – The Alexander Mixed-Use Development, Halifax, NS

Dear Mr. Sampson:

This is to advise you that we have collected and processed survey field data for Killam Apartment REIT's Alexander development in Downtown Halifax, PID 00471078, 5121 Bishop Street. The survey we completed collected data of all of the top most portions of the building structure contained within View Plane No. 6.

This letter is to confirm that all portions of the structure are located below the required elevations of View Plane No. 6. I hereby certify that the building meets the requirements of the Downtown Halifax Land Use By-law Section 24 and 26B.

Yours sincerely,



Adam Stephen, P.Eng., CLS, NSLS
Project Surveyor