



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

**Item No. 9.1.3**  
**Heritage Advisory Committee**  
**Special Meeting**  
**June 23, 2021**

**TO:** Chair and Members of Halifax and West Community Council

**SUBMITTED BY:** *-Original Signed-*  
\_\_\_\_\_  
Kelly Denty, Executive Director of Planning and Development  
*-Original Signed-*  
\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** June 9, 2021

**SUBJECT:** **Case 20761: Development Agreement for lands fronting Robie Street, College Street, and Carlton Street, Halifax**

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**ORIGIN**

- Application by ZZap Consulting Incorporated, on behalf of 3088962 Nova Scotia Limited Developments Ltd.
- January 16, 2018, Regional Council direction to continue processing this request for site-specific Municipal Planning Strategy amendments, subject to the proposal:
  - a) Generally aligning with the June 2017 Centre Plan document<sup>1</sup> relative to Urban Structure, Height and Floor Area Ratio (FAR); and
  - b) Addressing the planning principles of transition, pedestrian-orientation, human-scale, building design, and context-sensitive as noted in Attachment D of the staff report dated January 5.<sup>2</sup>

**RECOMMENDATIONS ON PAGE 2**

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<sup>1</sup> Regional Council Report: [Centre Plan Adoption Plan \(Attachment A, Centre Plan Document\)](#). May 19, 2017.

<sup>2</sup> Regional Council Report: [Site-specific Secondary Municipal Planning Strategy amendment requests within the Regional Centre Boundary](#). January 5, 2018.

- July 15, 2019<sup>3</sup>, Regional Council adopted MPS and LUB amendments to permit, by development agreement, a mixed-use development on lands fronting Robie Street, College Street and Carlton Street. These amendments came into effect on July 20, 2019.
- September 18, 2019, Regional Council approved the Regional Centre MPS and LUB (Centre Plan). The Regional Centre MPS and LUB came into effect on November 30, 2019.

### **LEGISLATIVE AUTHORITY**

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

### **RECOMMENDATION**

It is recommended that the Heritage Advisory Committee recommend that Halifax and West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to enable a mixed-use development on lands fronting on Robie Street, College Street and Carlton Street and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A;
3. Approve, by resolution, the Discharge Agreement, which shall be substantially of the same form as set out in Attachment B of this report; and
4. Require the Development Agreement and Discharge Agreement be signed by the property owner within 240 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**

ZZap Consulting Incorporated is applying to enter into a development agreement to relocate an existing heritage building (5969 College Street) and another building with heritage value (5963 College Street) to the rear yards of 1452 and 1456 Carlton Street. Once relocated, the applicant will carry out a series of heritage-related substantial alterations previously approved by Halifax Regional Council. Following completion of this work, the applicant proposes to develop a 29-storey/90 metre (plus penthouse) and 28 storey/87 metre tower (plus penthouse) mixed-used building at PID 00473009, PID 00472993, 5949, 5963, 5969, 5977, 5989, 5991 and 5993 College Street, Halifax.

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<sup>3</sup> Regional Council Report: Case 20761: [Amendments to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Peninsula for lands fronting Robie Street, College Street, and Carlton Street, Halifax.](#) June 12, 2019.

<b>Subject Property</b>	Lands fronting Robie Street, College Street and Carlton Street as shown on Maps 1 and 2.
<b>Location</b>	Robie Street, College Street and Carlton Street.
<b>Regional Plan Designation</b>	Urban Settlement
<b>Community Plan Designation (Map 1)</b>	Centre under the Regional Centre MPS along Robie Street and College Street Medium-Density Residential under the Halifax MPS along Carlton Street and a portion of College Street
<b>Zoning (Map 2)</b>	CEN-2 (Centre 2) Zone along Robie and College Streets R-2 (General Residential) along Carlton Street
<b>Size of Property</b>	Approximately 5,900 square metres (63,507 square feet).
<b>Street Frontage</b>	Approximately 71 metres (233 feet) on Robie Street; 122 metres (400 feet) on College Street; and 20 metres (65.6 feet) on Carlton Street.
<b>Current Land Use(s)</b>	<ul style="list-style-type: none"> <li>- 1389 Robie Street is a 24-unit residential building;</li> <li>- 1377 Robie Street is a residential building;</li> <li>- 5977 College Street is a 12-unit residential building;</li> <li>- 5969 College Street is a 17-unit residential building, a registered heritage property, and under Development Agreement for a mixed-use residential office building;</li> <li>- 6962 College Street is a 4-unit residential building;</li> <li>- 1452 Carlton Street/5949 College Street is a 3-unit dwelling with an Architects Office and a registered heritage property; and</li> <li>- 1456 Carlton Street is a licensed rooming house and a registered heritage property.</li> </ul>
<b>Surrounding Use(s)</b>	A variety of residential uses, ranging from detached single-unit dwellings to mid-rise multi-unit buildings, commercial and institutional uses ranging from mid-rise to high-rise buildings

### Existing Site Context

The proposed development site is comprised of approximately 5,900 square metres (63,507 square feet) and is bound by Robie Street to the west, College Street to the south and Carlton Street to the east. The development site includes 8 separate properties (plus 2 small parcels in front of 1389 Robie Street) as shown on Map 1. The existing buildings are all multi-unit residential buildings ranging from 2-to-4 storeys in height. There are 3 municipally registered heritage properties, 1 along College Street (5969 College Street) and 2 along Carlton Street (1452 and 1456 Carlton Street) which form part of the Carlton Early Victorian Streetscape.

### Surrounding Context

While many of the properties within the development site and in the surrounding area contain 2 or 3-storey residential or mixed-use buildings in the Victorian or Edwardian architectural style, there are also several large high-rise buildings nearby ranging from 10 to 21 storeys in height. These buildings include the Spring Garden Professional Centre, Dalhousie Tupper Building, Spring Garden Terrace, Summer Gardens and Embassy Towers. The area has a mix of residential apartments, detached houses, commercial and institutional uses at varying scales.

### Surrounding Heritage Properties and Streetscape

The site abuts 2 heritage properties to the east (1460 and 1466 Carlton Street), which form part of the Carlton Street Early Victorian Streetscape. The heritage streetscape is located on Carlton Street between Spring Garden Road and College Street. The Streetscape is valued as an excellent example of a Victorian era residential street and is comprised of 18 registered heritage properties. Carlton Street was originally part of the South Commons. Prior to 1818, this area was divided into four large lots that were purchased by merchants Richard Tremaine and John Staynor. The lots were again subdivided and homes were constructed between 1860 and 1906. During this period, construction materials and labour were

inexpensive resulting in the construction of lavish homes, such as those on Carlton Street.

Following the end of World War I, the cost of building supplies increased and there was a shortage of labour, both of which slowed the construction of elaborate and large homes. In addition, Victorian homes, such as those on Carlton Street, became too costly to maintain and were often converted to rooming houses or hotels. Some were demolished and replaced by smaller, less adorned dwellings. Today, the Carlton Early Victorian Streetscape is a rare example of an intact Victorian era street.

Architecturally, the Carlton Victorian Streetscape is valued for its sense of unity in scale, materials, and detail. These homes incorporate and blend elements of the Greek Revival, Modified Gothic, and Second Empire styles. The houses and townhomes range between two and three storeys, which allows for the human element and a sense of community to flourish. All of the houses are of wood frame construction. There is a variety in the pitch and type of roof lines, placement of the buildings, and an array of dormers, windows, bays, decoration, porches, and verandas. Each house commands its own attention while complementing its abutting, opposite, or adjacent structure.

### **Role of the Heritage Advisory Committee**

The proposed development site consists of 3 municipal heritage properties (5969 College Street, 1452 Carlton Street and 1456 Carlton Street). The site also abuts the Carlton Street Early Victorian Streetscape to the east. Regional Plan Policy CH-16, regarding development abutting registered heritage properties, addresses the compatibility of a proposal which abuts a heritage resource. The HAC must make a recommendation to Community Council based on the proposed development agreement and its merits when evaluated against the criteria of Policy CH-16. Staff have conducted an evaluation of Regional Plan Policy CH-16 and a copy of which is provided as Attachment C.

### **Substantial Alterations, Subdivision and Deregistration of Resulting Parcels**

On January 29, 2019, Halifax Regional Council approved substantial alterations for the 3 registered heritage properties (5969 College Street, 1452 Carlton Street and 1456 Carlton Street) associated with the proposed development site. The substantial alterations included the following:

- Relocating the Gold Cure Institute building (5969 College Street) from its current foundation to a new foundation at the rear of 1452 and 1456 Carlton Street;
- Relocating the McCoy Building (5963 College Street) to a new foundation with sunken terraces within the rear yard of 1452 and 1456 Carlton Street and connecting the building to the Gold Cure Institute building with a glass stairway.
- Removing a 1990's addition to the Gold Cure Institute building, and rehabilitating it's rear wall;
- Removing an addition to 1452 Carlton Street;
- Removing the rear ell of 1456 Carlton Street; and;
- Rehabilitating the rear walls of 1452 and 1456 Carlton Street and connecting the buildings by a glass stairway.

### **Proposal Details**

In keeping with the approved substantial alterations, the applicant is proposing a reconfiguration of heritage resources near the corner of College Street and Carlton Street. As a first step, the applicant will consolidate the lots at 1452 and 1456 Carlton Street. Once consolidated, the rear yard will accommodate the relocation of the Gold Cure Institute and McCoy buildings. Following relocation of the buildings, the Municipality will consider the deregistration of the lot at 5969 College Street and a new heritage registration of the Gold Cure Institute and the McCoy buildings at their new location.

Following relocation of the Gold Cure Institute and the McCoy buildings, the applicant is proposing the development of a high-density mixed-use building near the corner of Robie Street and College Street, as shown on the Schedules of Attachment A. The major aspects of the proposal are as follows:

- 2 towers, 29 storeys/90 metres (plus a penthouse) and 28 storeys/87 metres (plus a penthouse);
- 3-storey streetwall along Robie Street with ground floor commercial and 2-storey streetwall along a portion of College Street;

- Approximately 34 residential units within the heritage buildings and 577 units within the mixed-use residential building;
- Approximately 511 parking spaces, in an underground garage accessed from College Street;
- Approximately 2,834 square metres (30,500 square feet) of underground and ground floor commercial space; and
- Relocation of two buildings (5969 and 5963 College Street) to the rear yard of 1452 and 1456 Carlton Street.

### **History**

Halifax Regional Council approved the policies for this development agreement in the lead-up to the Regional Centre MPS and LUB adoption (Centre Plan). The policies are site-specific, for a project the applicant submitted to HRM in 2016.

Council directed staff to proceed with this application on January 16, 2018, subject to conditions. The proposal had to generally align with the urban structure proposed in the draft Centre Plan. Council approved an MPS and LUB amendment for this property on July 15, 2019. On September 18, 2019, Council approved the Centre Plan. The Centre Plan includes transition policy for ongoing projects, which apply to this development agreement application.

### **Enabling Policy and LUB Context**

This project predates Council's adoption of the Centre Plan MPS and LUB. Under Policy 10.25 of the Centre Plan, the development agreement application can continue, because HRM received it before Centre Plan's adoption.

Under Policy 10.25, Community Council can consider this application under the policy in place when Centre Plan was adopted. Section 13 of the Halifax MPS was the policy in place for this site at that time. This policy provides general direction for site specific MPS amendments adopted in the lead up to Centre Plan. It also provides specific direction for this site, under Section 13.1 (Attachment C).

Section 13, Policy 13.3.1 is the policy regulating development agreements on this site. It has direction on building form and land use. Below is a summary of the requirements for a development agreement:

- To require the relocation and restoration of existing heritage resources in accordance with the substantial alterations approved by Regional Council;
- To permit a multi-unit, mixed-use building, up to 90 metres in height (plus penthouse) and up to a maximum of 8.0 floor area ratio (FAR);
- To permit streetwalls that range from 2-storeys to 4-storeys in height;
- To permit a range of uses that serve both the local and regional population, including: residential, office, retail, service, restaurants, institutional, cultural and entertainment uses;
- To limit the commercial uses that are permitted to front on Robie Street;
- To require a mix of residential unit types;
- To prohibit surface parking; and
- To require indoor and outdoor amenity space for residents.

Under policy 13.3.1 the development agreement must also regulate:

- Signage;
- External building materials;
- Landscaping, fencing, outdoor storage, and the planting or retention of trees and vegetation; and
- The location, size and appearance of driveways.

Finally, subject to policy 13.3.1(2) Council shall have regard for these things when considering the development agreement:

- The planning principles of transition, pedestrian-oriented, human-scale, building design and context sensitive;

- Changes in building size and massing, to create appropriate transitions to surrounding built form;
- The design of at-grade residential units that balance residents' privacy with the desire for attractive and transparent streetwalls;
- That the design facing Robie Street and a portion of College Street complements a commercial streetscape; and
- That the design of driveways and garage entrances minimizes their impact on pedestrians and on the streetscape, by minimizing their size, by setting garage doors back from the street and by using screening or architectural finishes as appropriate.

### **Centre Plan**

Most of the site is zoned CEN-2 under the Centre Plan LUB. The Centre Plan identifies Robie Street as a pedestrian oriented commercial street and requires commercial frontages on the ground floor. Under this zoning, the applicant could build a mixed-use high-density development, with a maximum height of 90 metres and a Floor Area Ratio (FAR) of 8.0.

The Centre Plan would generally allow a similar building to what is proposed. However, less of the overall site would be available for development, as 5969 College Street is a registered heritage property and permits a maximum FAR of 1.75. The Centre Plan also requires that streetwall heights not exceed a maximum of 11 metres. Finally, development of the site under Centre Plan requirements, would require that the applicant provide incentive or bonus zoning. Under the site-specific policy, the applicant is required to provide public benefit in the form of conserving and restoring registered heritage buildings on the development site.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the *HRM Charter*, and the Public Participation Program approved by Council for this application on August 1, 2017. The level of community engagement was consultation, which was achieved by providing information through the HRM website, by posting signs on the subject property, by mailing letters to residents within the notification area and by hosting a public meeting on June 4<sup>th</sup>, 2018. Attachment D contains a copy of the minutes from the meeting. The public comments included the following:

- A few attendees expressed support for the proposed development;
- A few attendees want HRM to consider this application and the abutting application (20218) on Robie Street, College Street, and Carlton Street in tandem;
- Many attendees stated that the building is too large (in terms of height, massing, and residential density) for the subject site and surrounding neighbourhood;
- Several attendees stated that the proposal offers an insufficient transition to the existing low-density dwellings north of the subject site. Further, many attendees indicated that the proposal lacks context-sensitive design features and therefore, will have a detrimental impact on the neighbourhood's established character;
- Several attendees expressed frustration by the number of developments being considered that do not align with HRM's existing policies and regulations;
- A few attendees were concerned about infrastructure capacity; and
- A few attendees spoke to specific concerns such as wind, preserving the character of the neighbourhood, height, and the lack of human scale.

Additionally, since this application falls within the Regional Centre, it was part of an Open House held on December 7, 2016. Staff held this meeting to seek public feedback on 18 MPS amendment proposals, as part of the analysis for those proposals and as part of the Centre Plan process. An overview of Open House comments was provided as part of the staff report presented to Regional Council on August 1, 2017. An overview of Open House comments as they relate directly to this proposal are as follows:

- **Form** - Several respondents commented that the building is too tall and out of scale with the homes on Carleton and College Streets. Many identified that the design lacks architectural interest, and that the towers are too wide and monolithic. Concerns were raised about the quality of the building materials. Some respondents were in favour of the design and noted the modern street appeal. The 4-storey streetwall was identified as positive.
- **Character** - Participants noted that the proposed development does not fit with the character of the surrounding neighbourhood and has potential to eliminate small-scale affordable housing options. Several comments expressed concern for the impact on heritage properties in the area.
- **Impact on Neighbours** - Some participants noted that this development may have a negative impact on the neighbourhood through shadows and wind tunnels. A handful of respondents mentioned their concerns about increased traffic in the area resulting from this proposal.
- **Process** - Comments urge that Council wait for the Centre Plan and stick to the height rules. Respondents are concerned that this proposal benefits the developer and not the surrounding community. Several respondents felt this proposal should be considered together with the proposal for Robie Street and Spring Garden Road (Case 20218).

A public hearing must be held by Halifax and West Community Council before they can consider approving the proposed development agreement. Should Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, residents within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposal will potentially impact residents, property owners, and local businesses.

## **DISCUSSION**

Staff has reviewed the proposal against the applicable policies. Attachment C provides a detailed evaluation. Staff advise that the proposed development agreement is reasonably consistent with the intent of the MPS.

### **Proposed Development Agreement**

Attachment A contains the proposed development agreement for the subject site. The development agreement sets out the conditions under which the development may occur. It will permit a mixed commercial and residential building. The proposed development agreement regulates the following:

- Building height, up to 90 metres (plus penthouse);
- Maximum Floor Area Ratio (FAR) of 8.0;
- Maximum streetwall heights of 16 metres along Robie Street and 13 metres along a portion of College Street;
- Ground floor commercial design facing Robie Street and a portion of College Street;
- Building setbacks and setbacks;
- Rooftop elements;
- Permitted land uses, including a mix of residential, commercial, cultural and institutional uses;
- Prohibited cladding materials;
- Indoor and outdoor amenity space; and
- The percentage of units that must be two bedrooms or more (at least 25%).

### **Proposed Discharge Agreement (5969 College Street)**

Part 3 of the staff recommendation is to approve, by resolution, the discharge agreement as set out in Attachment B of this report. In 1993, the former City of Halifax entered into a development agreement to allow internal conversion of the Gold Cure Institute Building (5969 College Street) into a mixed-use residential office building and to construct a new residential addition, thereby substantially altering the

existing building. As proposed, the rear portion of the Gold Cure Institute Building will be demolished and the original building will be relocated to the rear yard of 1452-56 Carlton Street.

### **Substantial Alterations and Relocation of Heritage Resources**

The proposed development agreement requires that numerous substantial alterations must be completed prior to the issuance of a final occupancy permit. The substantial alterations were approved by Halifax Regional Council on January 29, 2019, and are outlined in the staff report dated November 9, 2018 and titled *H00456: Substantial Alterations to municipally registered heritage properties at 5969 College Street and 1452 & 1456 Carlton Street, Halifax*.<sup>4</sup> The substantial alterations include:

- Removing the 1990's addition to the Gold Cure Institute building, and rehabilitating its rear wall;
- Relocating the Gold Cure Institute building, from its current foundation at 5969 College Street, to a new foundation at 1452-56 Carlton Street;
- Removing an addition to 1452 Carlton Street and the rear ell of 1456 Carlton Street, and rehabilitating the rear walls and connecting the buildings by a glass stairway; and
- Relocating the McCoy Building, from its current foundation at 5963 College Street, onto a new foundation with sunken terraces at 1452-56 Carlton Street and connecting the building to the Gold Cure Institute building in the form of a glass stairway.

Upon relocation of the Gold Cure Institute building, the Municipality will consider the deregistration of the lot at 5969 College Street and a registration application for the Gold Cure Institute building and the unregistered McCoy Building as a municipal heritage property at its new location.

### **Halifax Peninsula Planning Advisory Committee**

On September 24<sup>th</sup>, 2018, the Halifax Peninsula Planning Advisory Committee (PAC) reviewed and considered the enabling plan policy (Attachment C). The PAC recommended Council continue with the approval of the proposed policy, subject to considerations. The PAC's recommendation regarding the plan policy is contained within Attachment E of this report and the staff report dated May 24, 2019.<sup>5</sup>

On August 24<sup>th</sup>, 2020, the Halifax Peninsula PAC reviewed the proposal in view of the approved plan policy. The HPPAC recommended that Halifax and West Community Council proceed with approval of the application (Attachment F), with the following considerations:

- Encourage the applicant to follow the Centre Plan Package A rationale regarding density bonusing with respect to affordable housing; and
- Encourage the applicant to add additional soft landscaping.

The enabling site-specific plan policy does not require affordable housing be considered as part of the development agreement. However, the applicant may elect to pursue affordable housing programs provided by other levels of government. The applicant is proposing to restore existing heritage resources as part of their application. Although not affordable housing, restoration of existing heritage resources can be viewed as another category of public benefit. The proposed development agreement requires that heritage resources be restored and retained on the site for as long as the development agreement is in effect

With respect to the provision of additional soft landscaping, the development agreement allows for a combination of soft and hard landscaping. In addition to landscaping provided at the ground level, the development agreement allows for future consideration and development of soft landscaping on podiums and tower elements.

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<sup>4</sup> Heritage Advisory Committee Report: [H00456: Substantial Alterations to municipally registered heritage properties at 5969 College Street and 1452 & 1456 Carlton Street, Halifax](#). November 9, 2018.

<sup>5</sup> Regional Council Report: [Case 20761: Amendments to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Peninsula for lands fronting Robie Street, College Street, and Carlton Street, Halifax](#). May 24, 2019.



A report from the PAC to Community Council will be provided under separate cover.

### **Centre Plan Transition Policy and Public Hearing Deadline**

On September 18, 2019, Regional Council approved the Centre Plan. The Centre Plan includes transition policy for ongoing projects, which apply to this development agreement application. Subject to Policy 10.10.1 of the Regional Centre Secondary MPS (Package A)<sup>6</sup>, complete applications for development agreements on file with the Municipality on or before the date of the first publication of the notice of the intention of Council to adopt Package A, shall be considered under the policies in effect on the date of that notice. Where any such application is withdrawn, significantly altered, or refused by Council, any new development applications shall be subject to all applicable requirements of Package A. Applications that have not proceeded to public hearing within 24 months of the adoption of the Regional Centre Secondary MPS (September 17, 2021) shall be subject to all applicable requirements of the Plan and Land Use By-law.

### **Regional Centre Plan (Package B)**

On June 2, 2021, the Community Advisory Committee reviewed the proposed draft of the Regional Centre Secondary MPS and Land Use By-law (Package B).<sup>7</sup> The proposed draft will continue through various committee and community council reviews prior to consideration by Regional Council. The draft contains revised implementation policy (Policy IM-28) allowing complete applications for development agreements, on file with the Municipality which were received on or before August 24, 2019, to continue to be considered under the policies in effect or immediately prior to that date. The policy requires that such applications shall proceed to a public hearing on or before August 24, 2022, otherwise the application will be subject to all applicable requirements of the Regional Centre MPS and LUB.

In addition to new implementation policy, the proposed Regional Centre MPS also proposes new policy for the Spring Garden Road – Robie Street Special Area (Policy 9.12.3). As proposed, the policy generally retains the same framework as the previously approved policy by Regional Council in 2019. However, the revised policy also requires that incentive or bonus zoning is provided in accordance with the Land Use By-law. The proposed policy also allows for the consideration of future substantive amendments, to a development agreement, as the policy will remain in the Regional Centre MPS.

### **Conclusion**

Staff have reviewed the proposal against the MPS policy and advise that it is reasonably consistent with the intent of the MPS. The development agreement requires the restoration of existing heritage resources and development of a new mixed-use building consisting of a 29 storey/90 metre (plus a penthouse) and 28 storey/87 metre (plus a penthouse) tower. The building massing, ground floor design, permitted uses and retention of heritage resources are all consistent with the MPS policy. Therefore, staff recommend that Halifax and West Community Council approve the proposed development agreement.

### **FINANCIAL IMPLICATIONS**

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2021-2022 operating budget for C320 Regional Policy Program.

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<sup>6</sup> Regional Centre Secondary MPS (Package A): <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/190730rc15113attA.pdf>

<sup>7</sup> Proposed Regional Centre MPS (Package B): [https://www.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/Attachment%20A\\_RC%20SMPS.pdf](https://www.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/Attachment%20A_RC%20SMPS.pdf)

## **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community 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 development agreement are contained within the Discussion section of this report.

## **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

## **ALTERNATIVES**

The Heritage Advisory Committee may choose to recommend that Halifax and West Community Council:

1. Approve the proposed development agreement subject to modifications. Modifications may require further negotiation with the applicant. Modifications may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed development agreement. In doing so, Community Council must provide reasons why the proposed agreement does not reasonably carry out the intent of 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*.

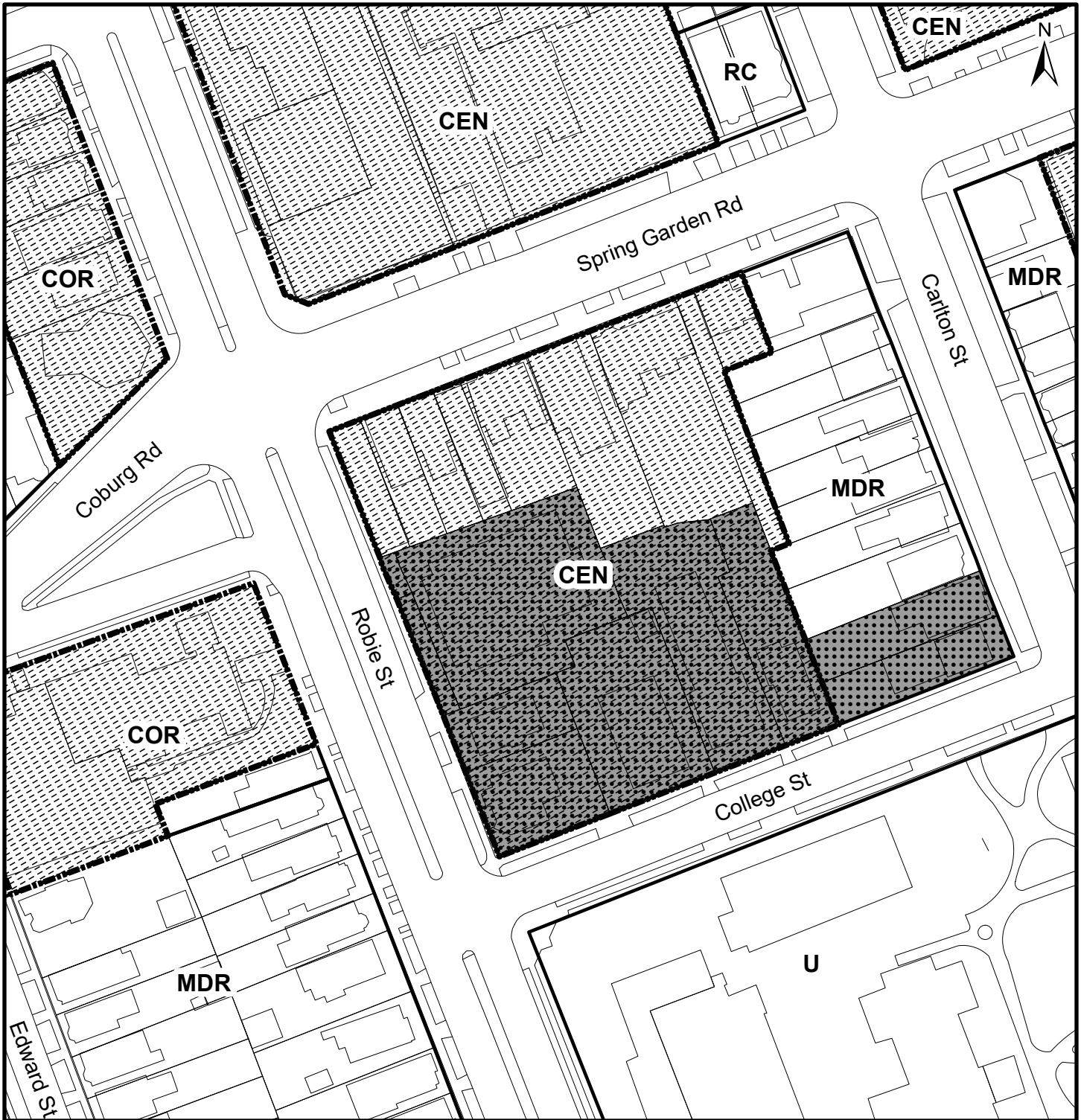
## **ATTACHMENTS**

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Development Agreement
Attachment B:	Proposed Discharge Agreement
Attachment C:	Policy Evaluation
Attachment D:	Public Meeting Minutes June 4, 2018
Attachment E:	Halifax Peninsula PAC Meeting Minutes September 24, 2018
Attachment F:	Halifax Peninsula PAC Meeting Minutes August 24, 2020

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
A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Tyson Simms, Planner III, 902-717-5309



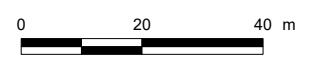
**Map 1 - Generalized Future Land Use**

Robie, College and Carlton Streets  
Halifax

 Subject Properties

**Designation - Halifax**

- MDR Medium Density Residential
- RC Residential - Commercial Mix
- U University



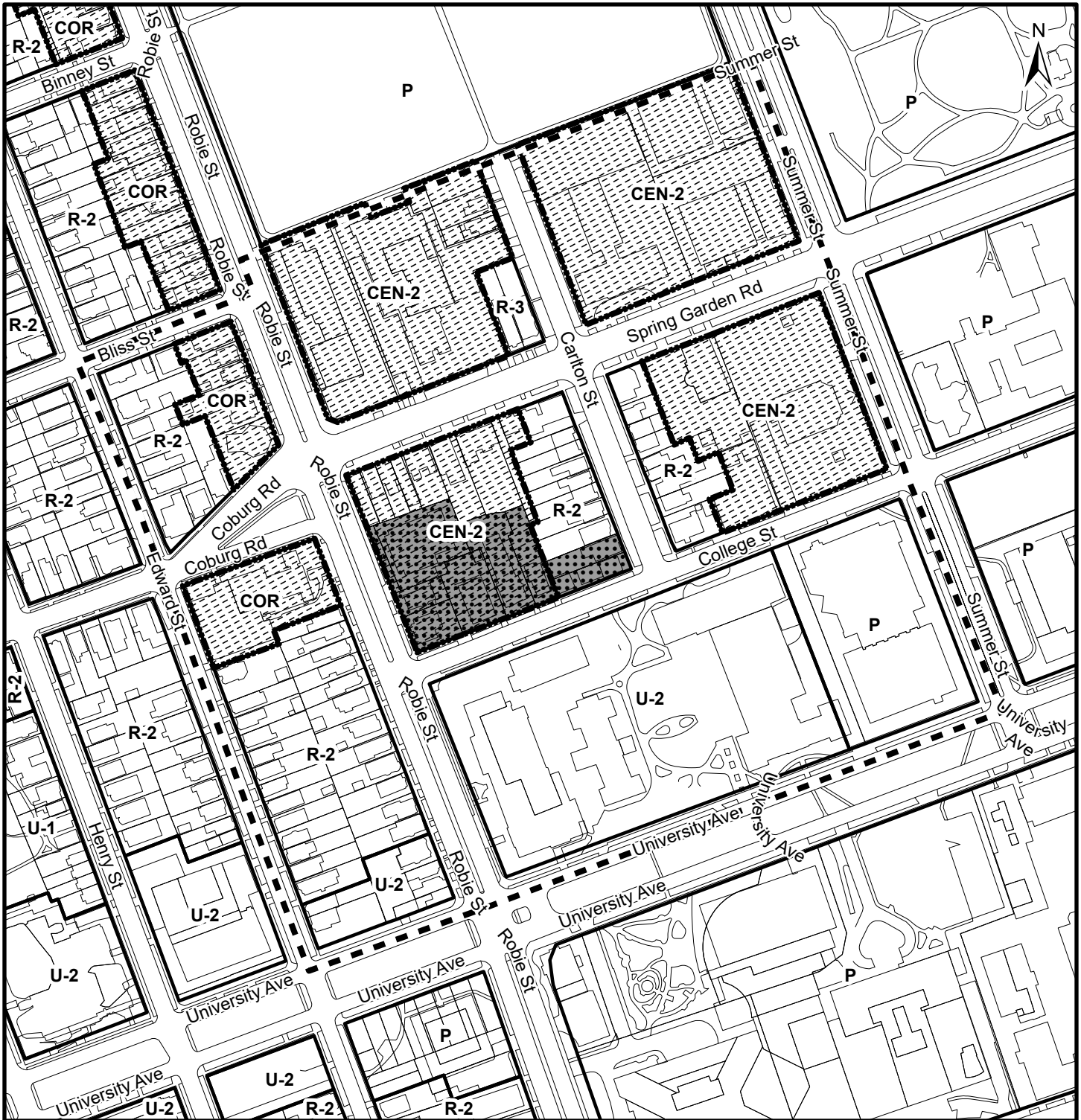
**Designation - Regional Centre**

- CEN Centre
- COR Corridor

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.



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

Halifax  
Plan Area



**Map 2 - Zoning**

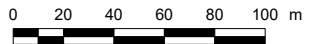
Robie, College and Carlton Streets  
Halifax

-  Subject Properties
-  Area of Notification

Halifax Peninsula Land  
Use By-Law Area

- Zone - Halifax**
- R-2 General Residential
  - R-3 Multiple Dwelling
  - U-2 High-Density University
  - P Park and Institutional

- Zone - Regional Centre**
- CEN-2 Centre 2
  - COR Corridor



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:**

THIS AGREEMENT made this        day of **[Insert Month]**, 2021,

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 on Robie Street, College Street and Carlton Street, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for mixed use, high density residential and commercial development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter*, pursuant to Part 10.10.1 of the Regional Centre Secondary Municipal Planning Strategy, and site-specific municipal plan policy approved by Halifax Regional Council on July 15, 2019, as part of Municipal Case 20761.

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 20761;

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

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## **PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

### **1.1 Applicability of Agreement**

- 1.1.1 Subject to Subsection 1.1.2, the Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.
- 1.1.2 The Lands may be developed and used in accordance with and subject to the requirements of the applicable Land Use By-law and the Regional Subdivision By-law, as may be amended from time to time.

### **1.2 Applicability of Land Use By-law and Subdivision By-law**

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the applicable Land Use By-law and the Regional Subdivision By-law, as may be amended from time to time.

### **1.3 Applicability of Other By-laws, Statutes and Regulations**

- 1.3.1 Further to Subsection 1.2.1, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

### **1.4 Conflict**

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law and the Regional Subdivision By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

### **1.5 Costs, Expenses, Liabilities and Obligations**

- 1.5.1 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

### **1.6 Provisions Severable**

- 1.6.1 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

## **1.7 Lands**

- 1.7.1 The developer hereby represents and warrants to the Municipality that the Developer is the owner of the Lands and that all owners of the Lands have entered into this Agreement.

## **PART 2: DEFINITIONS**

### **2.1 Words Not Defined under this Agreement**

- 2.1.1 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

### **2.2 Definitions Specific to this Agreement**

- 2.2.1 The following words used in this Agreement shall be defined as follows:

- (a) "Assisted Living Residence" means a building or part of a building in which residential accommodation is provided, in which on-site nursing, supervisory and personal care services, such as but not limited to social activities, housekeeping and meal services are available to residents but does not include a hotel or motel;
- (b) "Commercial Parking" means a parking structure, or any portion thereof, where parking spaces can be leased by the public;
- (c) "Development" means the Development that is enabled by this Agreement;
- (d) "Floor Area Ratio (FAR)" means the total floor area of all buildings divided by the area of the lot identified on the Schedules of this Agreement as Phase 2.
- (e) "Height" as pertaining to any building, means, the vertical distance of the highest point of the roof above the mean grade of the finished ground adjoining the building;
- (f) "Landscape Architect" means a professional, full member in good standing with the Canadian Society of Landscape Architects;
- (g) "Mixed-use Building" means the mixed-use development set out on Schedule C-2;
- (h) "Multiple Unit Dwelling" means means a dwelling other than a double duplex dwelling house erected or converted for the purpose of providing three or more self-contained dwelling units;
- (i) "Penthouse" means an enclosed rooftop space used for residential, mechanical, shared amenity space purposes and/or restaurant uses.
- (j) "Site" means the portions of the Development shown as Phase 1 and Phase 2; and
- (k) "Standard Concrete Blocks" means exposed concrete masonry units with no architectural finish.
- (l) "Streetwall" means the wall of a building or portion of a wall facing a streetline that is below the height of a specified setback or angular plane, excluding minor recesses for elements such as doorways or intrusions such as bay windows;
- (m) "Streetwall Height" means the vertical distance between the top of the streetwall and the streetline grade, extending across the width of the streetwall;
- (n) "Streetwall Setback" means the distance between the streetwall and the streetline;
- (o) "Streeline" means the lot line between the street and an abutting lot; and
- (p) "Streetline Grade" means the elevation of a streetline at a point that is perpendicular to the horizontal midpoint of the streetwall. Separate streetline grades shall be determined for each streetwall segment that is greater than 20 metres in width or part thereof.

## **PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS**

### **3.1 Schedules**

- 3.1.1 Unless otherwise provided for in the text of this Agreement, the Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, generally conforms with the following Schedules, which form a part of this Agreement and are attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 20761:

Schedule A	Legal Description of the Lands(s)
Schedule B	Overall Site Plan
Schedule C-1	Phase 1 Site Plan
Schedule C-2	Phase 2 Site Plan
Schedule D-1	Phase 1 Preliminary Landscape Plan
Schedule D-2	Phase 2 Preliminary Landscape Plan
Schedule E-1	Phase 1 Elevations
Schedule E-2	Phase 2 Elevations

### **3.2 Requirements Prior to Approval**

- 3.2.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:
- (a) Have been issued a Grade Alteration Permit in accordance with By-law G-200, the *Grade Alteration By-law*, as amended from time to time.
- 3.2.2 Prior to the issuance of a Development Permit for Phase 1, as shown on Schedule C-1, the Developer shall provide the following to the Development Officer:
- (a) Plan of Subdivision in accordance with Section 3.7 of this Agreement; and
  - (b) Landscape Plans in accordance with Subsection 3.6.19 and the Schedules of this Agreement.
- 3.2.3 Prior to the issuance of a Development Permit for Phase 1, the Developer shall provide the following to the Development Officer, in consultation with the Development Engineer:
- (a) Tree Retention and Mitigation Plan for street trees in accordance with Subsection 4.2.1 of this Agreement.
- 3.2.4 Prior to the issuance of a Development Permit for Phase 2, as shown on Schedule C-2, the Developer shall provide the following to the Development Officer:
- (a) Confirmation from a Nova Scotia Land Surveyor that the planned construction, or part thereof, meets the Halifax Citadel Rampart requirements of the Land Use By-law; and
  - (b) Landscape plans in accordance with Subsection 3.6.19 and the Schedules of this Agreement.
- 3.2.5 Prior to the issuance of a Municipal Occupancy Permit, the Developer shall provide the following to the Development Officer:
- (a) Written confirmation from a Landscape Architect which the Development Officer may accept as sufficient record of compliance with the Landscape Plan in accordance with Subsection 3.6.20 and the Schedules of this Agreement; and
  - (b) Written confirmation from a Nova Scotia Land Surveyor that the completed construction meets the Halifax Citadel Rampart requirements of the Land Use By-law.



- 3.2.6 Prior to the issuance of a Municipal Occupancy Permit, the Developer shall provide the following to the Development Officer, in consultation with the Heritage Officer:
- (a) Written confirmation that development of Phase 1 buildings has been completed and is consistent with the approved substantial alterations in accordance with Subsection 3.8.1 of this Agreement.
- 3.2.7 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless the Municipality has indicated that the building or portions of the building are safe for habitation.
- 3.2.8 No final Occupancy Permit shall be issued by the Municipality, with respect to either Phase 1 or Phase 2, unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement. The municipality may issue occupancy permits for Phase 1 while construction for Phase 2 is ongoing.

### **3.3 Phasing**

- 3.3.1 The site shall be developed in the following two phases:
- (a) Phase 1: Removal of 5949 College Street; relocation of 5963 and 5969 College Street; and development of Phase 1, as generally shown on the Schedules of this agreement; and
  - (b) Phase 2: Development of the Mixed-use Building and surrounding elements including landscaping and fencing, as generally shown on the Schedules of this agreement.

### **3.4 General Description of Land Use**

- 3.4.1 The use(s) of the Lands permitted by this Agreement are the following:
- (a) Under Phase 1:
    - i. Multiple-Unit Dwellings, as generally shown on the Schedules of this agreement;
    - ii. Assisted Living Residences; and
    - iii. Any other use permitted by the Land Use By-law, as amended from time to time.
  - (b) Under Phase 2:
    - i. Mixed-use Building;
    - ii. Commercial Parking;
    - iii. Assisted Living Residences; and
    - iv. Any other use permitted by the Land Use By-law, as amended from time to time.
- 3.4.2 Notwithstanding Subsection 3.4.1, the following uses shall not be permitted:
- i. Service station uses; and
  - ii. Recycling depot uses.
- 3.4.3 Notwithstanding Subsections 3.4.1, ground floor commercial uses shall be permitted along Robie Street and the portion of College Street within 18.5 metres of Robie Street.
- 3.4.4 Notwithstanding Subsection 3.4.1, ground floor uses fronting along Robie Street shall be in accordance with permitted land uses identified for Pedestrian-Oriented Commercial Streets, as required under the Land Use By-law.
- 3.4.5 At least twenty-five (25) percent of the total number of dwelling units in the Mixed-use Building under Phase 2, rounded up to the nearest full number, shall include two or more bedrooms.

### **3.5 Siting, Massing, Height and Other Architectural Requirements**

3.5.1 Unless otherwise provided for in the text of this Agreement, buildings shall be generally sited as shown on the Schedules of this Agreement.

#### *Building Height*

3.5.2 Total building height shall not exceed:

- a) 13 metres for the development under Phase 1, and;
- b) 90 metres for the Mixed-use Building under Phase 2.

3.5.3 Development shall conform with the Halifax Citadel Rampart requirements of the Land Use By-law.

#### *Rooftop Features*

3.5.4 Notwithstanding Subsection 3.5.2, Penthouses are permitted to exceed the maximum building height, subject to the following conditions:

- a) The height of the Penthouse shall be limited to 6.6 metres above the roof;
- b) The maximum rooftop coverage shall not exceed 80%;
- c) A minimum of 50% of each exterior facing façade shall be setback a minimum of 3 metres from any roof edge; and
- d) Any penthouse or rooftop feature shall conform with the Halifax Citadel Rampart requirements of the Land Use By-law.

#### *Floor Area Ratio*

3.5.5 Development within Phase 2 shall not exceed a Floor Area Ratio of 8.0.

3.5.6 Notwithstanding Subsection 3.5.5, no portion of Phase 1, as identified on Schedule B and Schedule C-1, shall be calculated as lot area when calculating Floor Area Ratio for development within Phase 2.

#### *Arrangement of Exterior Features*

3.5.7 Notwithstanding Subsection 3.5.1, the arrangement of windows, balconies and exterior features may be altered to accommodate wind mitigation measures and the interior layout of the building, provided that the arrangement is consistent with the general architectural intent of the Schedules, and under no circumstances shall the arrangement create a condition which results in large blank or unadorned walls or portions of the main building encroaching into any required yard, setback or setback.

#### *Streetwall Height*

3.5.8 Streetwall height shall be restricted to a maximum of:

- i) 16 metres along Robie Street; and
- ii) 13 metres along College Street.

3.5.9 Notwithstanding Subsection 3.5.8(ii), maximum streetwall height may extend up to 16 metres along College Street, for a total distance of 18.5 metres travelling east from Robie Street.

3.5.10 The maximum streetwall height may be exceeded by a guard, railing systems and parapets to allow for safe use of podiums and rooftops.

#### *Building Podium Height*

3.5.11 Building podium height shall be restricted to a maximum of:

- i) 13 metres facing East (Carlton Street); and
- ii) 16 metres facing North (Spring Garden Road).

#### *Building Setbacks*

- 3.5.12 The Mixed-use Building podium shall be setback a minimum of 6 metres from any registered heritage property or property boundary facing east.
- 3.5.13 The Mixed-use Building's streetwalls shall be setback a minimum of 1.5 metres from any Streetline.
- 3.5.14 Buildings located within Phase 1 shall be sited as generally shown on Schedule C-1.

*Building Stepbacks*

- 3.5.15 Any portion of the Mixed-use Building, located above the streetwall or building podium shall be setback a minimum of:
- i) 6.5 metres from the edge of the building podium facing east (Carlton Street);
  - ii) 4.5 metres from the edge of any streetwall, excluding the residential lobby entrance facing Robie Street as shown on Schedule C-2; and
  - iii) 11.5 metres from the north property line.

*Tower Separation and Floor Area*

- 3.5.16 The towers of the Mixed-use Building shall be separated by a minimum of 23 metres.
- 3.5.17 The floor area of any tower portion of the Mixed-use Building shall not exceed a floor area of 750 square metres per floor.

*Streetwall Design*

- 3.5.18 Except where a driveway entrance is provided along Robie Street, at least half of the horizontal length of the ground floor streetwall facing Robie Street shall be composed of commercial units as generally shown on Schedule E-2. The balance of the streetwall may be composed of transparent commercial space, building entrances or units with at-grade entrances.
- 3.5.19 Except where access to an underground parking entrance and driveway is provided along College Street, the horizontal length of the ground floor streetwall facing College Street shall be composed of residential and commercial units as shown on Schedule E-2. The streetwall may be composed of residential lobbies, building entrances, residential units with at-grade entrances and commercial space (within 18 metres of Robie Street travelling east) with similar design elements provided under Subsection 3.5.18.

*External Building Appearance*

- 3.5.20 The Mixed-use Building's exterior design shall be generally developed in conformance with Schedule E-2 of this Agreement. The Development Officer may permit changes to the following elements:
- a) the number of windows and doors and their placement and size;
  - b) the number of balconies and their placement and size, provided they meet all applicable setbacks, stepbacks and requirements for maximum horizontal width, as required under this agreement; and
  - c) the number of ground floor commercial units and their size.
- 3.5.21 All cladding materials shall be durable and have an architectural finish.
- 3.5.22 The following cladding materials shall be prohibited:
- a) vinyl siding;
  - b) plastic, except for architectural laminate panels;
  - c) plywood;
  - d) standard concrete blocks or cinder block, however architectural concrete products are permitted;
  - e) exterior insulation and finish systems where stucco is applied to rigid insulation as a primary weather protection for the building envelope;
  - f) mirrored glass in spandrel panels or vision glass panels; and
  - g) darkly tinted glass, excepting spandrel glass panels.

- 3.5.23 The Mixed-use Building (Phase 2) shall include building materials and colours that are of a muted tone. In contrast, buildings located within Phase 1 shall include colours that are consistent with the Victorian style and the surrounding heritage streetscape.
- 3.5.24 Within Phases 1 and 2, large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by landscaping, including textural plantings and trellises, or architectural detail to create shadow lines (implied windows, cornice lines, or offsets in the vertical plane).
- 3.5.25 Utility connections, fill pipes, exhaust vents, and ventilators shall be screened from view.
- 3.5.26 Mechanical and electrical systems (HVAC, exhaust fans, generators etc.) shall be screened from view.
- 3.5.27 Any exposed foundation greater than 0.3 metres in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.5.28 An electrical transformer may be permitted within the hard-landscaping areas as shown on Schedule D-2 (lands under Phase 2), provided it is screened and not placed in any front or flanking yard.

### **3.6 General Requirements**

#### *Permitted Encroachments*

- 3.6.1 The following structures are permitted encroachments in any building podium or streetwall setback:
- a) Wheelchair ramps, uncovered patios, walkways, lifting devices, and steps;
  - b) Eaves, gutters, downspouts, cornices, solar collectors and other similar features may project up to 0.9 metres from the face of the Mixed-use Building; and
  - c) Mechanical and electrical systems may project up to 0.9 metres from the face of the Mixed-use Building, subject to Subsection 3.5.26.
- 3.6.2 Balconies may project into the setbacks between towers, provided that:
- a) the total horizontal width of the balconies on any one storey is not more than 40 percent of the width of the building wall; and
  - b) balcony depth does not project more than 2.5 metres past the building face.

#### *Waste Management*

- 3.6.3 All refuse and recycling materials shall be contained within a building.
- 3.6.4 The Mixed-use Building shall include designated space for commercial waste containers in accordance with Municipal By-law S-600, the *Solid Waste Resource Collection and Disposal By-Law*, or any applicable By-law as amended from time to time.

#### *Driveways and Garage Entrances*

- 3.6.5 Indoor and underground parking shall be permitted.
- 3.6.6 An underground parking entrance may be permitted along College Street, as generally shown on Schedule E-2.
- 3.6.7 Driveways may be permitted along Robie Street and College Street, as generally shown on Schedule E-2.

#### *Parking*

- 3.6.8 Surface parking lots are prohibited.

- 3.6.9 Commercial Parking is permitted.
- 3.6.10 For the Mixed-use Building, the minimum number of required vehicular parking spaces shall comply with the applicable Land Use By-law, as amended from time to time.
- 3.6.11 No vehicular parking spaces are required for any use on a registered heritage property or for development under Phase 1, as shown on Schedule C-1.

*Bicycle Parking*

- 3.6.12 The development shall comply with the bicycle parking provisions of the applicable Land Use By-law, as amended from time to time.
- 3.6.13 Notwithstanding Subsection 3.6.12, no bicycle parking shall be required for development under Phase 1, as shown on Schedule C-1.

*Landscaping*

- 3.6.14 Subject to Subsection 3.6.21, all yards shall be landscaped as generally shown on Schedules D-1 and D-2 and as follows:
- a) landscaped areas shall include soft landscaping materials, which may include grass, planting beds, shrubs and trees; and
  - b) landscaped areas to be used for outdoor amenity space or walkways may include hard landscaping materials such as pavers, tile, concrete, stone or wood.
- 3.6.15 Areas required for vehicle access do not need to be landscaped.

*Landscaped Buffer*

- 3.6.16 Where the Mixed-use Building abuts a heritage property, it must contain a landscaped buffer consisting of:
- a) An opaque or wrought-iron column fence, no lower than 1.8 metres and no higher than 1.98 metres; and
  - b) One tree (with a minimum base caliper of 50 millimetres) and three shrubs for every 4.6 linear metres of buffer.
- 3.6.17 Trees in a landscaped buffer may be grouped or unevenly spaced.
- 3.6.18 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.6.19 Prior to the issuance of a Development Permit, the Developer agrees to provide a Landscape Plan which complies with the landscaping provisions of this Agreement. The Landscape Plan shall be prepared by an Architect or a Landscape Architect and shall comply with all provisions of this section.
- 3.6.20 Prior to issuance of the final Occupancy Permit, the Developer shall submit to the Development Officer photos showing completed landscaping and a letter prepared by an Architect or a Landscape Architect certifying that all landscaping has been completed according to the terms of this Agreement.

3.6.21 Notwithstanding Subsection 3.6.14, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the final Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the final Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

#### *Amenity Space*

3.6.22 Amenity space shall be provided at a rate of 5 square metres per dwelling unit and shall meet all other amenity space requirements of the applicable Land Use By-law, as amended from time to time.

3.6.23 Notwithstanding Subsection 3.6.22, in addition to meeting the minimum requirements of the applicable Land Use By-law, development located on the lands identified as Phase 2 on the Schedules of this agreement, shall consist of a combination of private and common indoor and outdoor amenity space. Outdoor amenity space shall be landscaped as generally shown on the Schedules of this Agreement.

#### *Signage*

3.6.24 Signage shall be permitted in accordance with the requirements of the applicable Land Use By-law, as amended from time to time.

### **3.7 Subdivision**

3.7.1 Prior to the issuance of a Development Permit, a subdivision application shall be submitted to the Development Officer in accordance with the terms of this agreement. The Development Officer shall grant subdivision approval in accordance with the Regional Subdivision By-law.

3.7.2 Notwithstanding Subsection 3.7.1, the Development Officer may permit consolidation of properties which form part of Phase 1, as generally shown on Schedule B and Schedule C-1 of this Agreement.

#### *Multiple Buildings Per Lot*

3.7.3 More than one residential building shall be permitted on the lot identified as Phase 1, as shown on Schedule C-1 of this Agreement.

### **3.8 Heritage**

#### *Substantial Alterations*

3.8.1 Development located within Phase 1 shall conform with the substantial alterations granted by Halifax Regional Council on January 29, 2019 and as outlined in the staff report dated

November 9, 2018, titled *Case H00456: Substantial Alterations to municipally registered heritage properties at 5969 College Street and 1452 & 1456 Carlton Street, Halifax.*

*Non-Substantial Alterations*

- 3.8.2 Any non-substantial alteration to the exterior appearance of a registered heritage building, in accordance with the requirements of the *Heritage Property Act* and By-law H-200, shall be submitted to the Development Officer for review and approval in consultation with a Heritage Officer.

*Rights to Alter or Demolish*

- 3.8.3 In the event that an application for a substantial alteration or demolition is denied by the Municipality, the Developer agrees not to alter the exterior appearance of or demolish a registered heritage building.

*Maintenance and Preventative Measures*

- 3.8.4 All maintenance and repair of registered heritage buildings shall be conducted with the approval of the Heritage Officer, and in accordance with the *Standards and Guidelines for the Conservation of Historic Places in Canada, 2<sup>nd</sup> edition.*

*Archaeological Monitoring and Protection*

- 3.8.5 The Lands fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. The Developer shall contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands and the Developer shall comply with the requirements set forth by the Province of Nova Scotia in this regard.

**3.9 Additional Requirements**

*Lighting*

- 3.9.1 Lighting shall use full cut-off light fixtures and shall only be directed to driveways, parking areas, loading areas, building entrances and walkways. Accent lighting of building elements is permitted.

*Maintenance*

- 3.9.2 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the buildings, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.

*Temporary Construction Buildings*

- 3.9.3 Temporary construction buildings shall be permitted on the Lands for housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction buildings shall be removed from the applicable portion of the Lands prior to the issuance of the Occupancy Permit for the applicable phase.

*Hours of Operation*

- 3.9.4 The collection of refuse and recyclables, shall occur only between the hours of 7:00 am and 7:00 pm.
- 3.9.5 Hours of operation shall conform with all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

## **PART 4: STREETS AND MUNICIPAL SERVICES**

### **4.1 General Provisions**

- 4.1.1 All design and construction of primary and secondary service systems shall satisfy the most current edition of the Municipal Design Guidelines and Halifax Water Design and Construction Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineering prior to undertaking the work.

### **4.2 Off Site Disturbance**

- 4.2.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

## **PART 5: ENVIRONMENTAL PROTECTION MEASURES**

### **5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plan**

- 5.1.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall have been issued a Grade Alteration Permit in accordance with By-law G-200 Respecting Grade Alteration and Stormwater Management Associated with Land Development, as amended from time to time.
- 5.2 All private storm water facilities shall be maintained in good order in order to maintain full storage capacity by the owner of the lot on which they are situated.

## **PART 6: AMENDMENTS**

### **6.1 Non-Substantive Amendments**

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council:
- (a) Changes to architectural requirements that do not impact the massing of the building or reduce the building setbacks;
  - (b) Changes to building lighting and illumination, landscaping, and sign requirements;
  - (c) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement;
  - (d) The length of time for the completion of the development as identified in Section 7.4 of this Agreement;
- 6.1.2 Amendments may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter* and the Regional Centre Secondary Municipal Planning Strategy.



## **6.2 Substantive Amendments**

- 6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

## **PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **7.1 Registration**

- 7.1.1 A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

### **7.2 Subsequent Owners**

- 7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

### **7.3 Commencement of Development**

- 7.3.1 In the event that development on the Lands has not commenced within 3 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean the issuance of a Construction Permit.

### **7.4 Completion of Development**

- 7.4.1 Upon the completion of the whole development or completion of phases of the development, 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; or
  - (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the applicable Municipal Planning Strategy and Land Use By-law, as may be amended from time to time.
- 7.4.2 In the event that development on the Lands has not been completed within 6 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.
- 7.4.3 For the purpose of this section, completion of development shall mean completion of the exterior structure of the building.

## **7.5 Discharge of Agreement**

- 7.5.1 If the Developer fails to complete the development after 6 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office 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; or
  - (c) discharge this Agreement.

## **PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

### **8.1 Enforcement**

- 8.1.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty-four hours of receiving such a request.

### **8.2 Failure to Comply**

- 8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 30 days written notice of the failure or default, then in each such case:
- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
  - (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
  - (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
  - (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

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

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

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

**HALIFAX REGIONAL MUNICIPALITY**

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

\_\_\_\_\_  
Witness

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

**MAYOR**

\_\_\_\_\_  
Witness

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

**MUNICIPAL CLERK**

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

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

---

A Commissioner of the Supreme Court  
of Nova Scotia

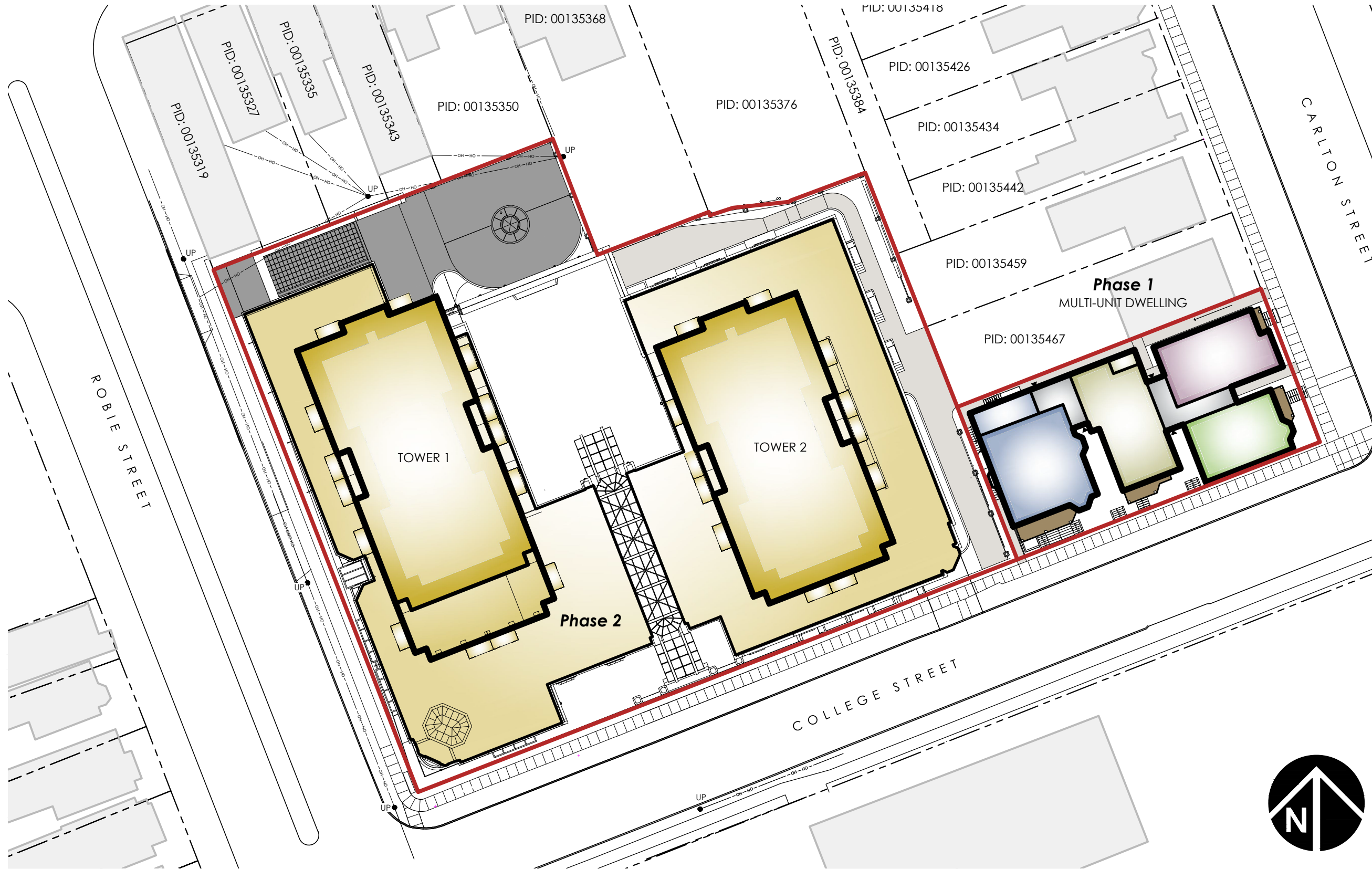
PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

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

---

A Commissioner of the Supreme Court  
of Nova Scotia

# Schedule B Overall Site Plan

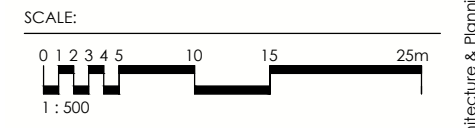


**LEGEND**  
 — Site Boundary  
 - - - Adjacent Property Boundary

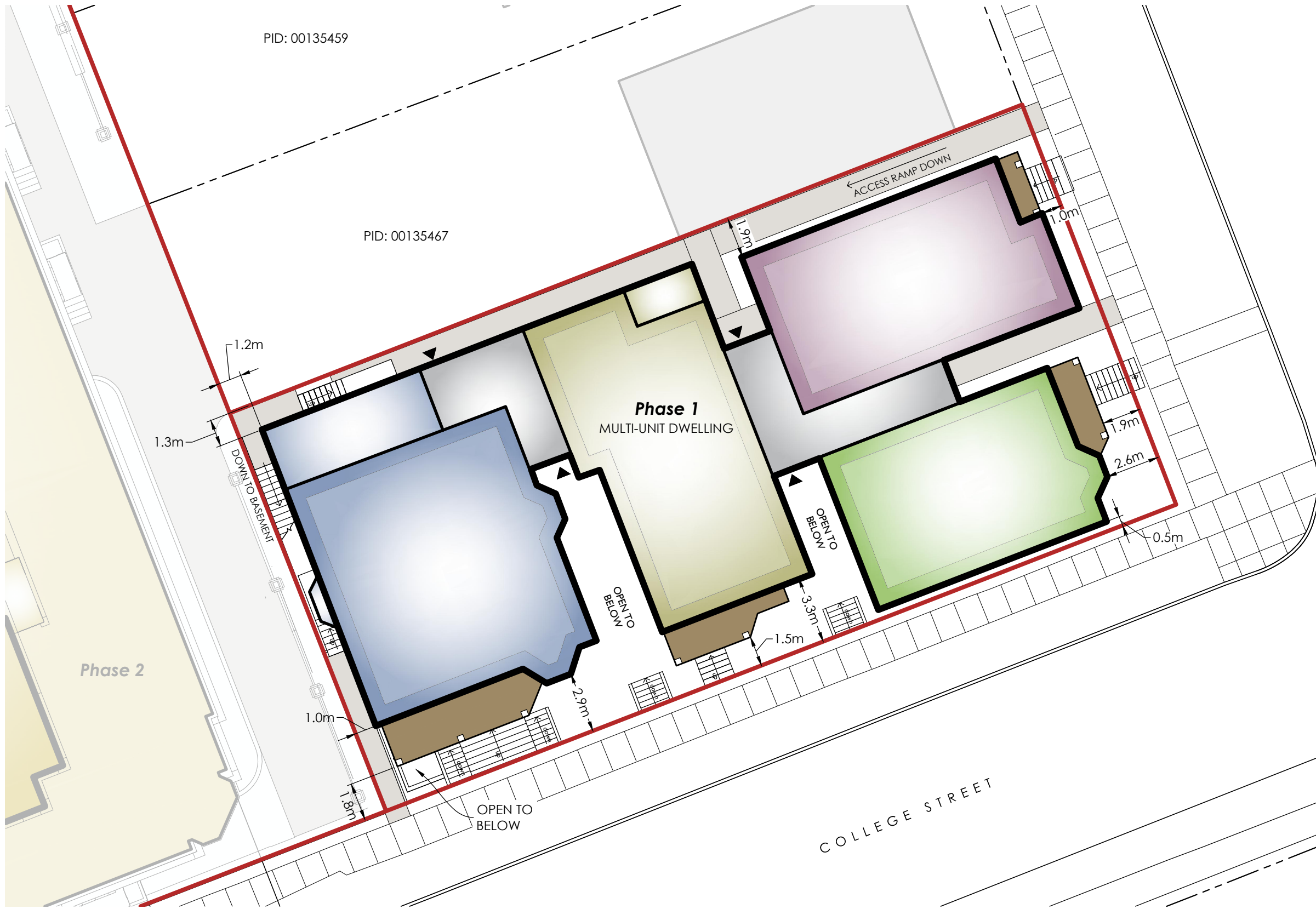
**SITE SUMMARY:**  
 Total Land Area: 5,970 sm / 64,260 SF  
 Existing Zone: CEN-2 / R-2

**NOTES:**  
 Adjacent property lines and topographic features are approximate only.  
 Site subject to by-law review and regulations.

**SOURCES:**  
 Site Plan based on Survey CAD file: '3808 Topo Out NAD83.dwg'  
 Adjacent property lines and topographic features are provincial mapping.



# Schedule C-1 Phase 1 Site Plan



## LEGEND

- Site Boundary
- - - Adjacent Property Boundary
- ▶ Building Access Point

## SITE SUMMARY:

- Land Area: 847 sm / 9,117 SF
- Existing Zone: CEN-2 / R-2

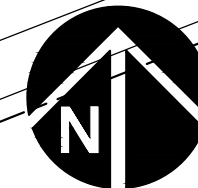
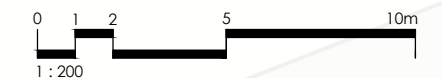
## NOTES:

- Adjacent property lines and topographic features are approximate only.
- Site subject to by-law review and regulations.

## SOURCES:

- Site Plan based on Survey CAD file: '3808 Topo Out NAD83.dwg'
- Adjacent property lines and topographic features are provincial mapping.

## SCALE:

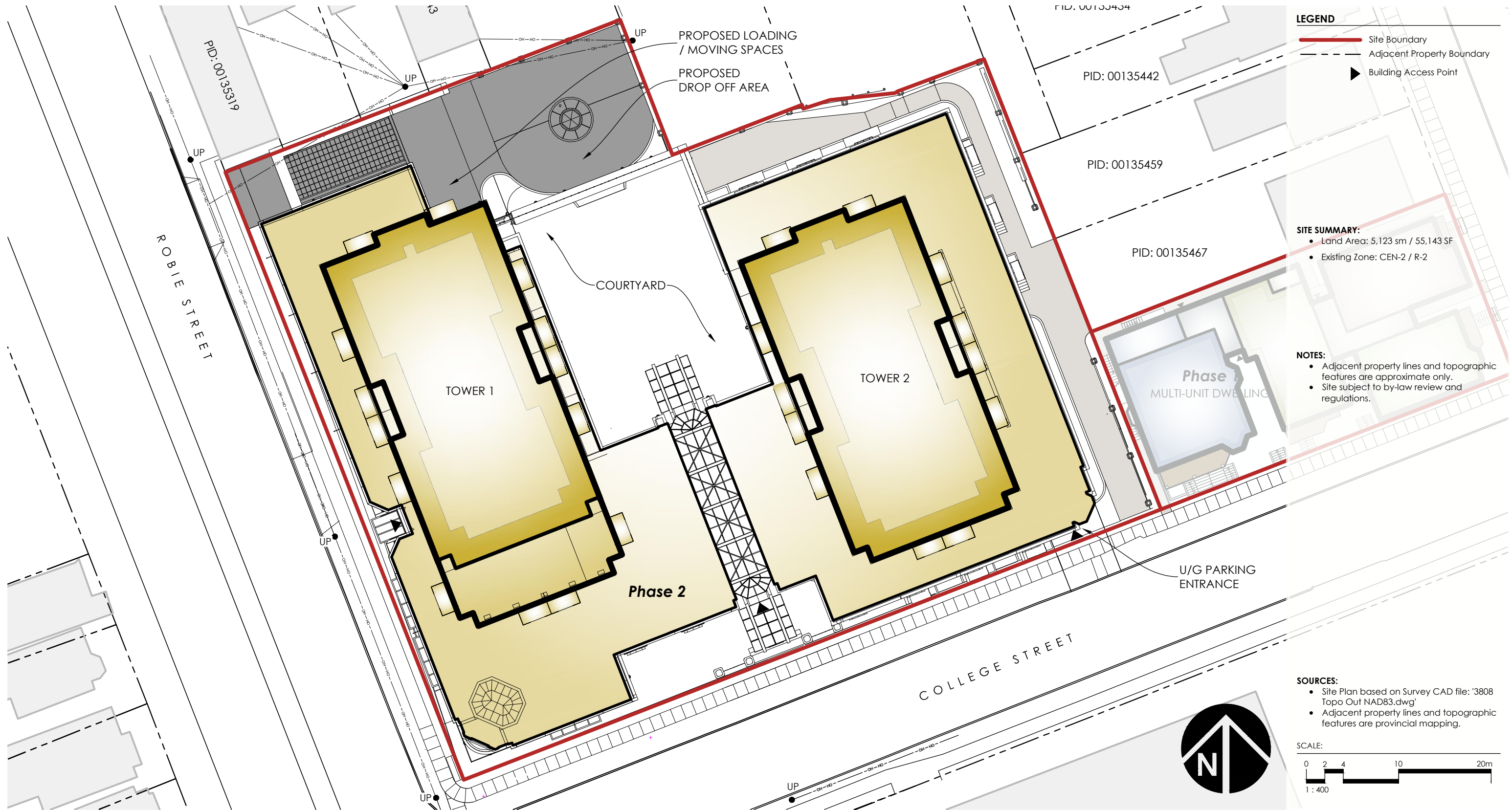


CARLTON STREET

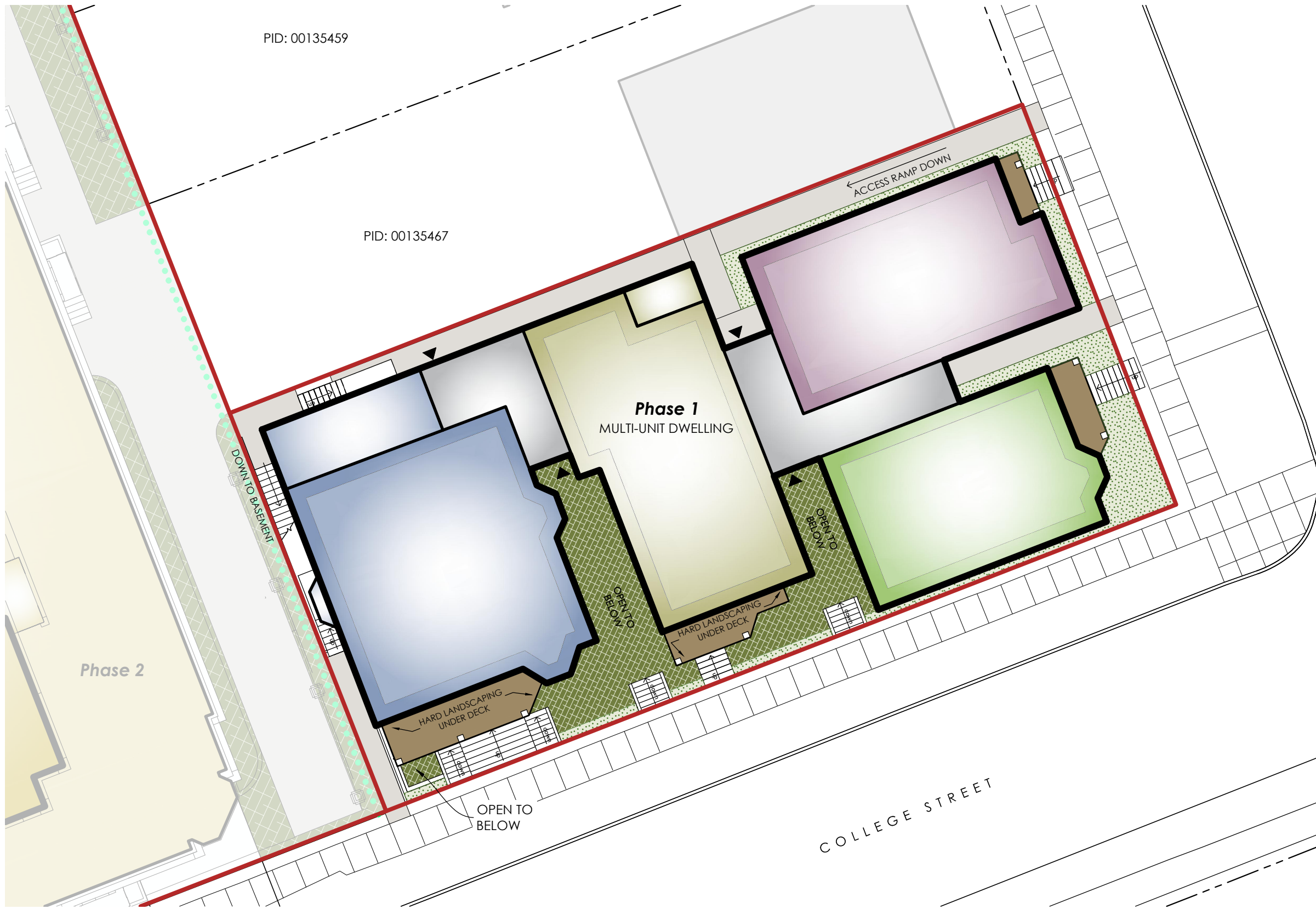
COLLEGE STREET

FILE: C:\Users\Ken\Zwickler Architecture & Planning\Projects - Documents\2019\19-031 Rouvals Promenade\4\_Plan\1\_Site Plan\19-031-PROMENADE-103.dwg SHEET: Phase 1-SP

# Schedule C-2 Phase 2 Site Plan



# Schedule D-1 Phase 1 Preliminary Landscape Plan



## LEGEND

- Site Boundary
- Adjacent Property Boundary
- Building Access Point
- Hard Landscaping
- Soft Landscaping
- Walkway

## SITE SUMMARY:

- Land Area: 847 sm / 9,117 SF
- Existing Zone: CEN-2 / R-2

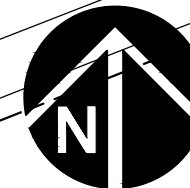
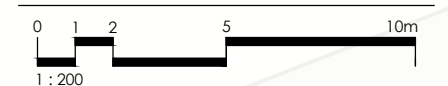
## NOTES:

- Adjacent property lines and topographic features are approximate only.
- Site subject to by-law review and regulations.

## SOURCES:

- Site Plan based on Survey CAD file: '3808 Topo Out NAD83.dwg'
- Adjacent property lines and topographic features are provincial mapping.

## SCALE:



FILE: C:\Users\Ken\Zwickler\Projects - Documents\2019\19-031 Rouvals Promenade\4\_Plan\1\_DWG\1\_Site Plan\19-031-PROMENADE-103.dwg SHEET: Phase 1-LP





# Schedule E-1 Phase 1 Elevations

EXTERIOR MATERIALS LEGEND	
1	MAINTAIN EXISTING HERITAGE CLADDING
2	ALUMINUM CURTAIN WALL
3	EXTERIOR WINDOW UNIT
4	BALCONY GUARDRAIL
5	PROVIDE NON-COMBUSTIBLE CLADDING IF REQUIRED
6	EXISTING FOUNDATIONS TO BE REPLACED WITH NEW FOUNDATIONS
A	PRIMARY COLOUR
B	TRIM COLOUR
C	TRIM ACCENT



ELEVATION – WEST



ELEVATION – EAST  
(CARLTON STREET)



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Halifax, NS

PHASE 1 EAST AND WEST ELEVATIONS  
SCALE 1/16TH" = 1'-0"

A02

ISSUED FOR REVIEW  
DATE: FEB 10, 2021

# Schedule E-1 Phase 1 Elevations



EXTERIOR MATERIALS LEGEND	
1	MAINTAIN EXISTING HERITAGE CLADDING
2	ALUMINUM CURTAIN WALL
3	EXTERIOR WINDOW UNIT
4	BALCONY GUARDRAIL
5	PROVIDE NON-COMBUSTIBLE CLADDING IF REQUIRED
6	EXISTING FOUNDATIONS TO BE REPLACED WITH NEW FOUNDATIONS
A	PRIMARY COLOUR
B	TRIM COLOUR
C	TRIM ACCENT

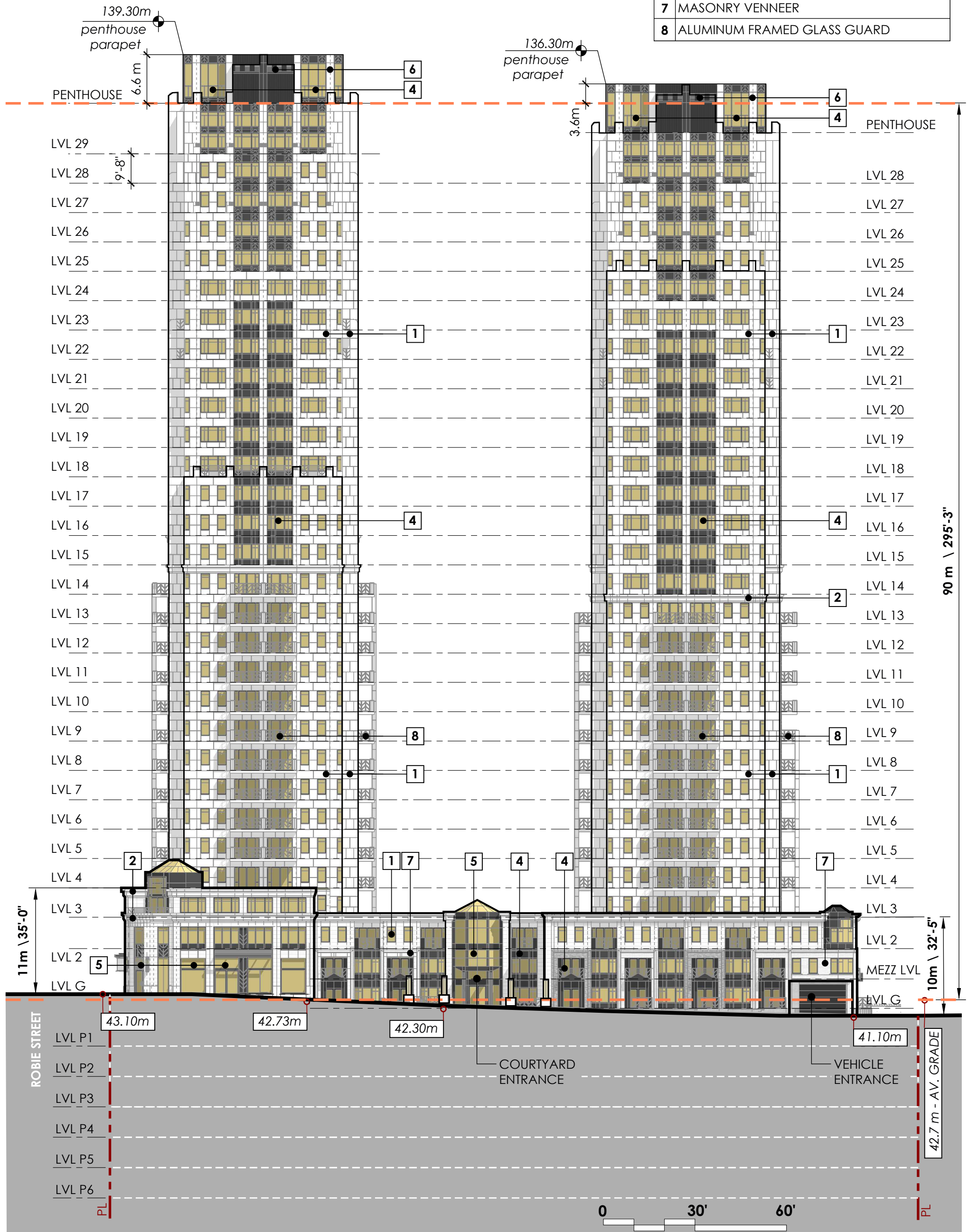
ELEVATION – SOUTH  
(COLLEGE STREET)



ELEVATION – NORTH

# Schedule E-2 Phase 2 Elevations

EXTERIOR MATERIALS LEGEND	
1	PRECAST CONCRETE PANEL
2	PRECAST CORNICE
3	PRECAST PILASTER
4	ALUMINUM CURTAIN WALL
5	HIGH TRANSPARENCY STOREFRONT GLASS
6	ALUMINUM COMPOSITE PANEL
7	MASONRY VENEER
8	ALUMINUM FRAMED GLASS GUARD



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planning

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Halifax, NS

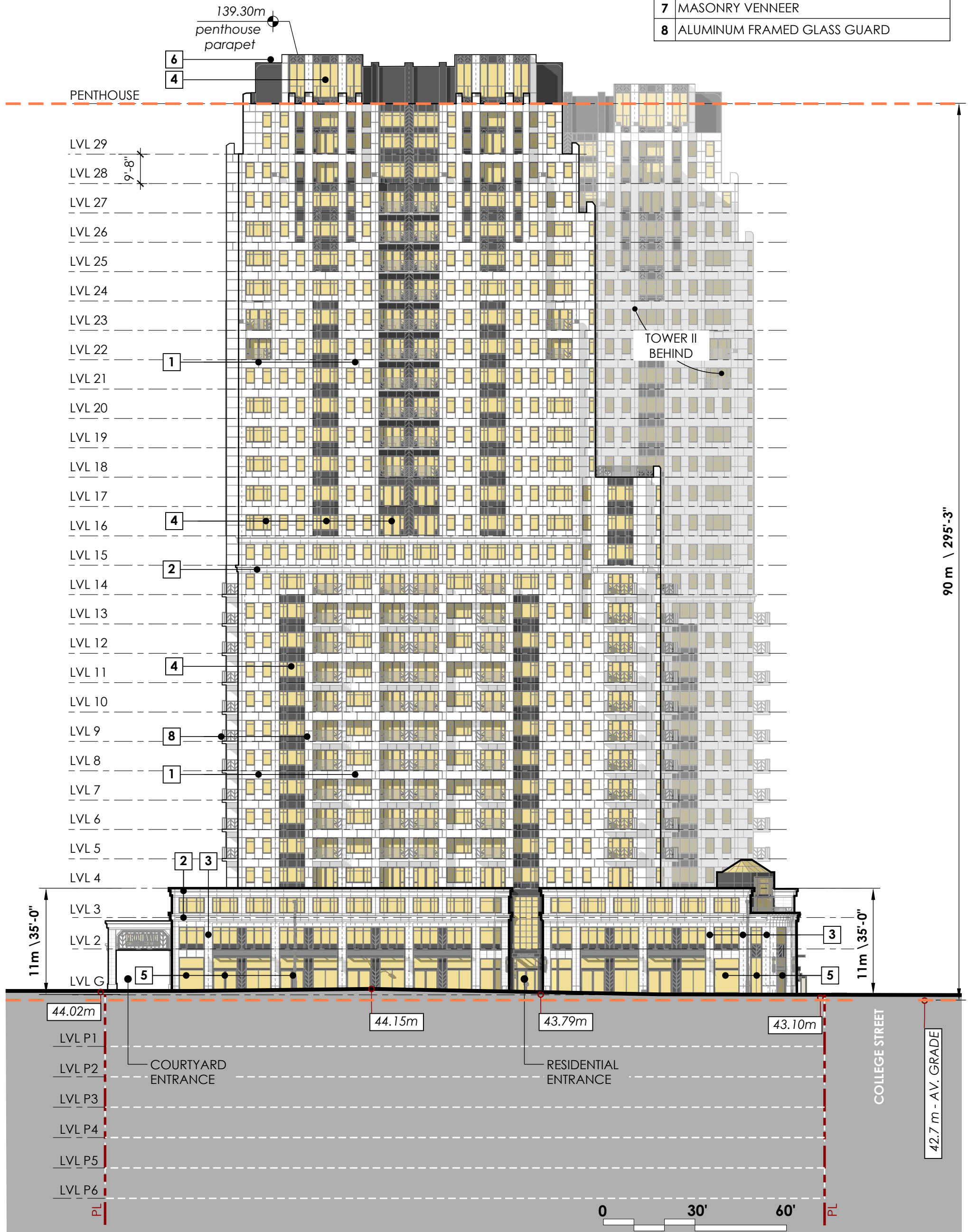
PHASE 2 COLLEGE STREET (SE) ELEVATION  
SCALE: 1"=30'

A02

ISSUED FOR REVIEW  
DATE: February 15, 2021

# Schedule E-2 Phase 2 Elevations

EXTERIOR MATERIALS LEGEND	
1	PRECAST CONCRETE PANEL
2	PRECAST CORNICE
3	PRECAST PILASTER
4	ALUMINUM CURTAIN WALL
5	HIGH TRANSPARENCY STOREFRONT GLASS
6	ALUMINUM COMPOSITE PANEL
7	MASONRY VENEER
8	ALUMINUM FRAMED GLASS GUARD



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Halifax, NS

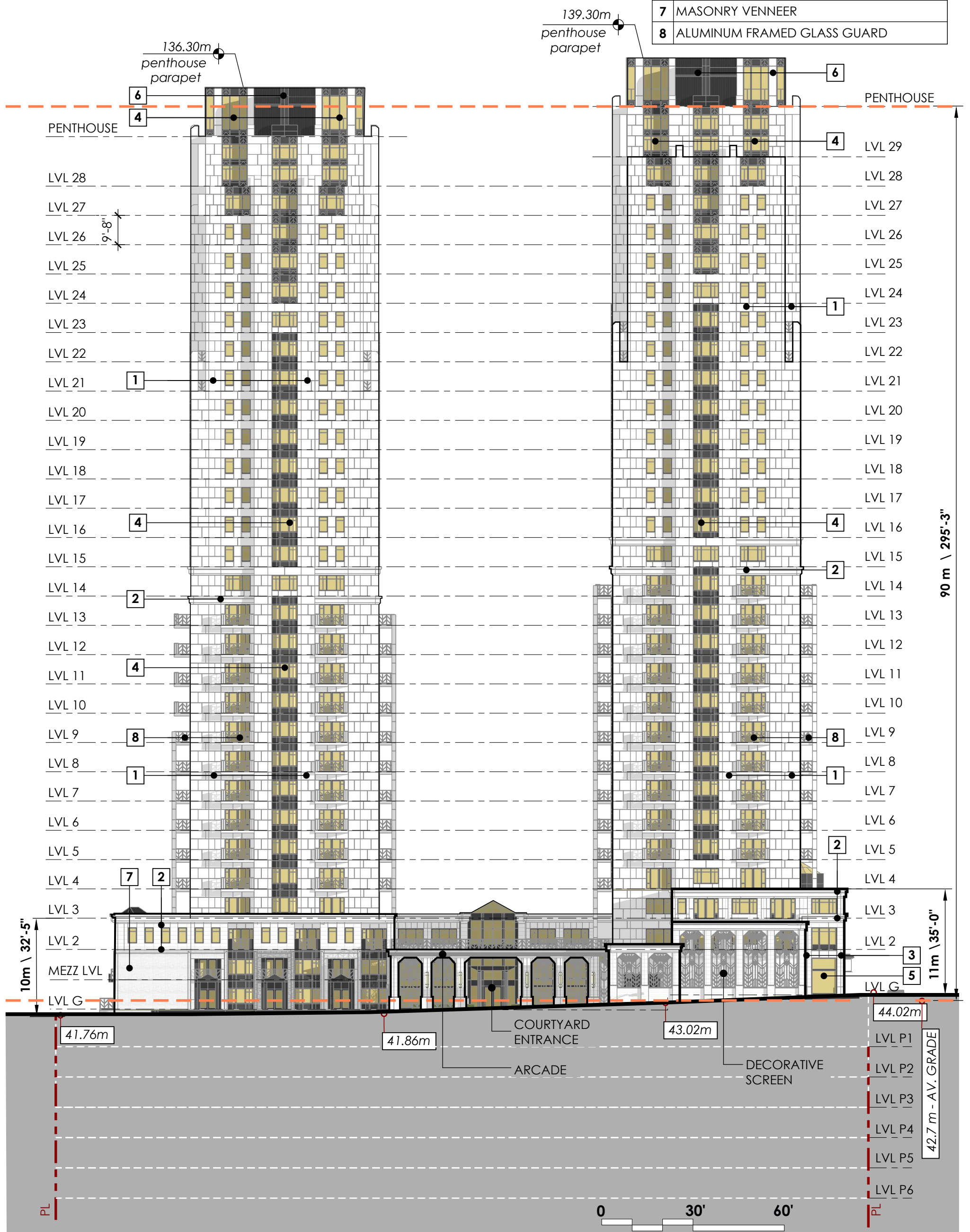
**PHASE 2 ROBIE STREET (SW) ELEVATION**  
SCALE: 1"=30'

**A03**

ISSUED FOR REVIEW  
DATE: February 15, 2021

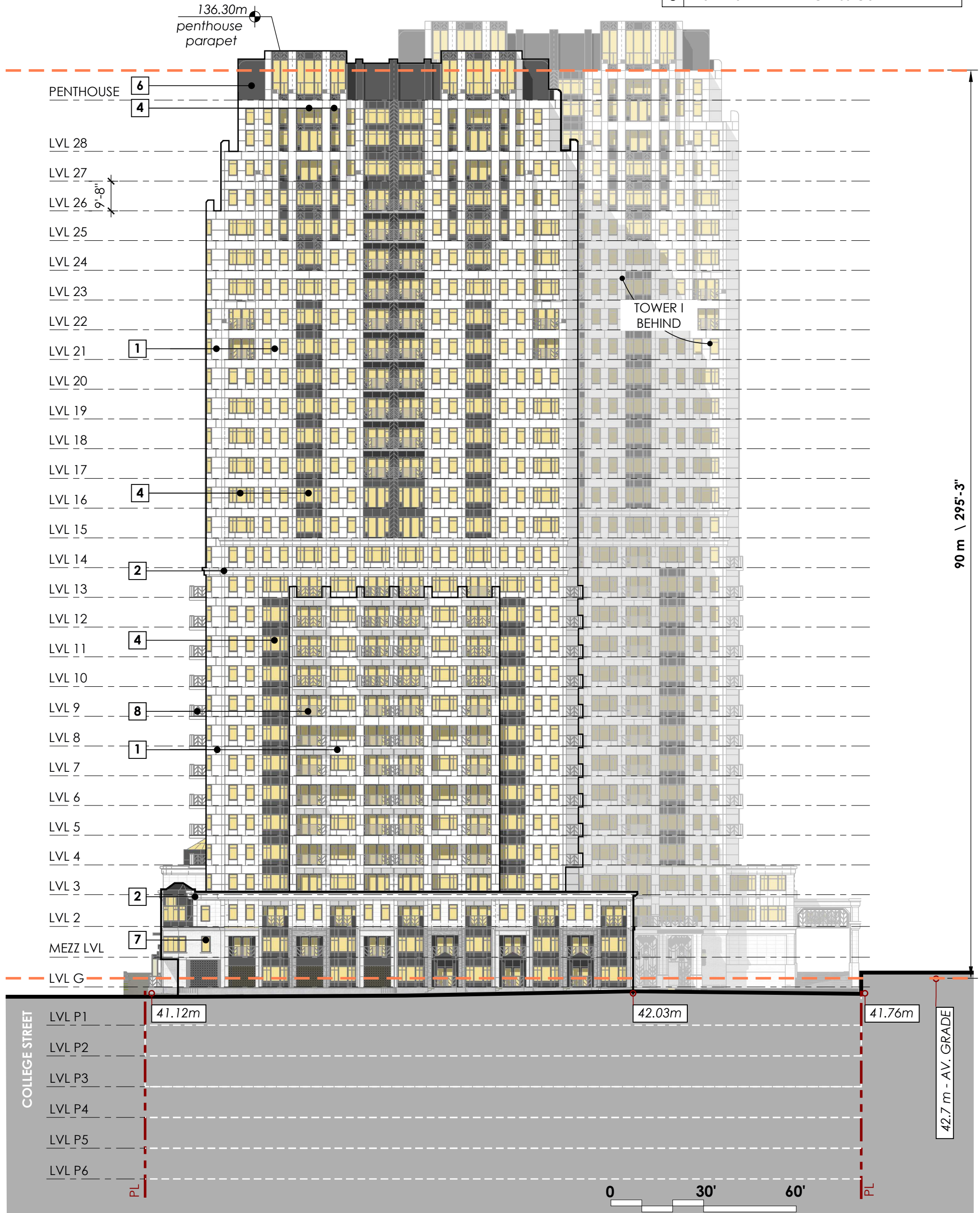
# Schedule E-2 Phase 2 Elevations

EXTERIOR MATERIALS LEGEND	
1	PRECAST CONCRETE PANEL
2	PRECAST CORNICE
3	PRECAST PILASTER
4	ALUMINUM CURTAIN WALL
5	HIGH TRANSPARENCY STOREFRONT GLASS
6	ALUMINUM COMPOSITE PANEL
7	MASONRY VENEER
8	ALUMINUM FRAMED GLASS GUARD



# Schedule E-2 Phase 2 Elevations

EXTERIOR MATERIALS LEGEND	
1	PRECAST CONCRETE PANEL
2	PRECAST CORNICE
3	PRECAST PILASTER
4	ALUMINUM CURTAIN WALL
5	HIGH TRANSPARENCY STOREFRONT GLASS
6	ALUMINUM COMPOSITE PANEL
7	MASONRY VENEER
8	ALUMINUM FRAMED GLASS GUARD



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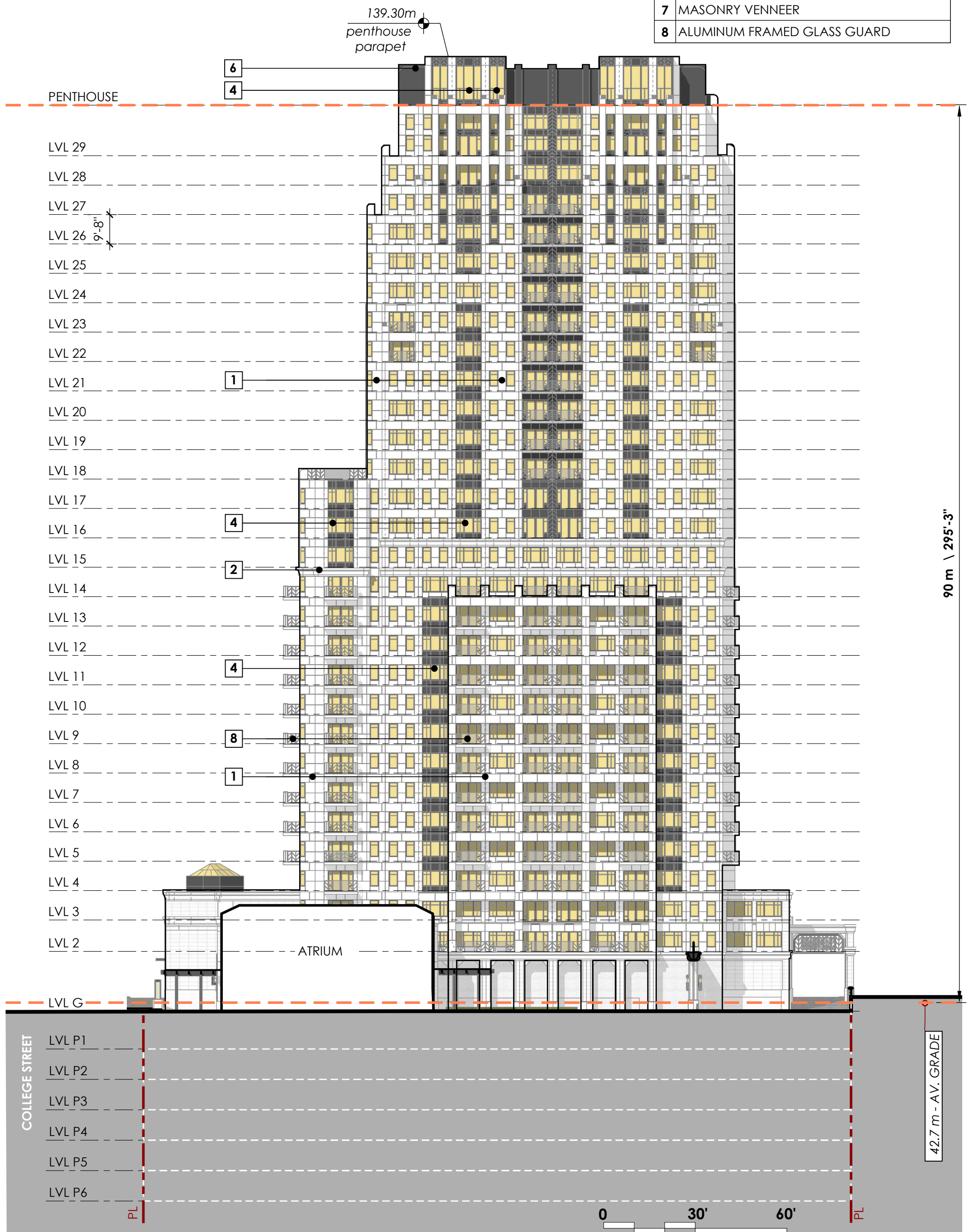
**PHASE 2 NE ELEVATION**  
SCALE: 1"=30'

**A05**

ISSUED FOR REVIEW  
DATE: February 15, 2021

# Schedule E-2 Phase 2 Elevations

EXTERIOR MATERIALS LEGEND	
1	PRECAST CONCRETE PANEL
2	PRECAST CORNICE
3	PRECAST PILASTER
4	ALUMINUM CURTAIN WALL
5	HIGH TRANSPARENCY STOREFRONT GLASS
6	ALUMINUM COMPOSITE PANEL
7	MASONRY VENEER
8	ALUMINUM FRAMED GLASS GUARD



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Zareski  
architecture +  
planning

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Halifax, NS

**PHASE 2 NE ELEVATION TOWER I**  
SCALE: 1"=30'

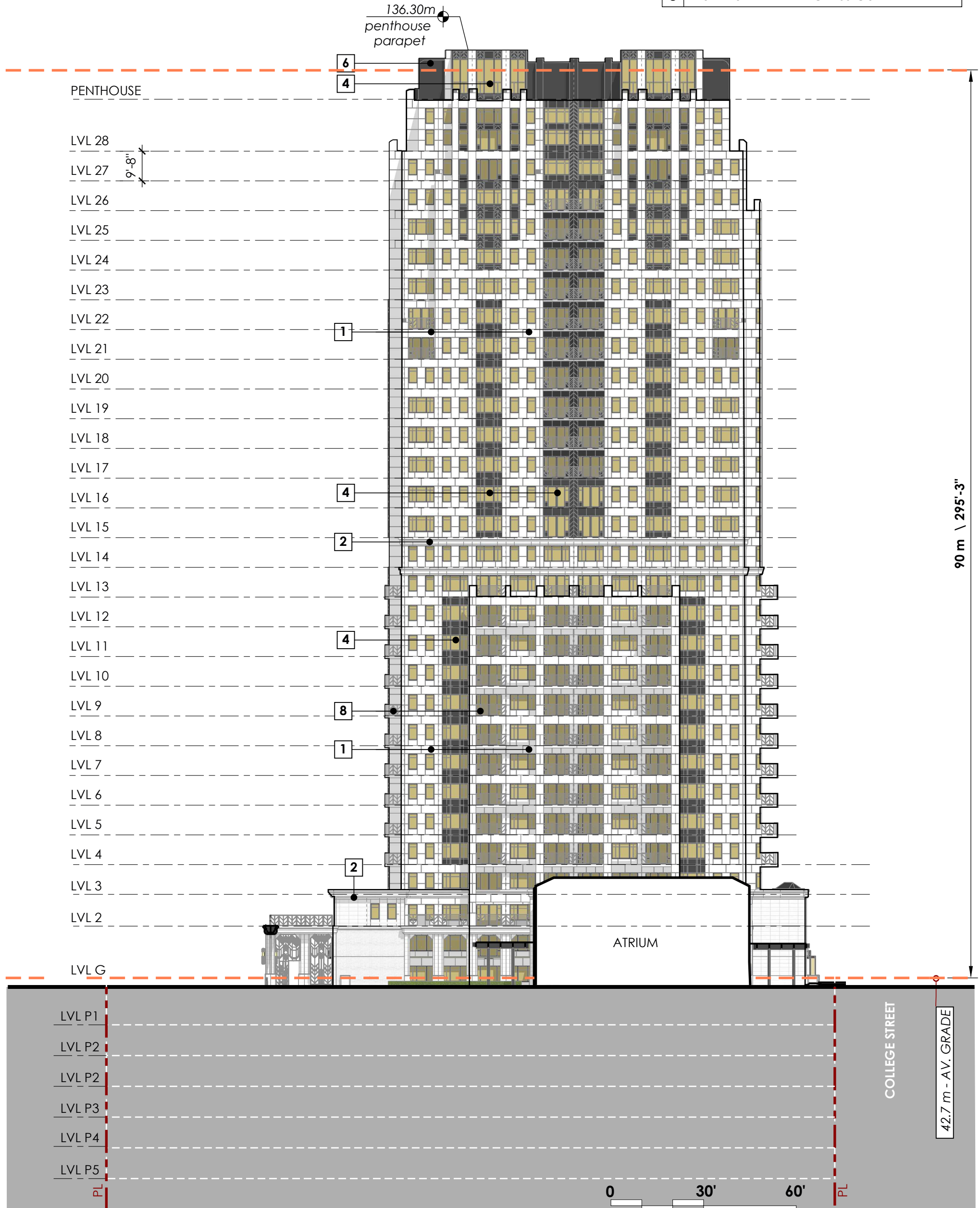
**A06**

ISSUED FOR REVIEW  
DATE: February 15, 2021



# Schedule E-2 Phase 2 Elevations

EXTERIOR MATERIALS LEGEND	
1	PRECAST CONCRETE PANEL
2	PRECAST CORNICE
3	PRECAST PILASTER
4	ALUMINUM CURTAIN WALL
5	HIGH TRANSPARENCY STOREFRONT GLASS
6	ALUMINUM COMPOSITE PANEL
7	MASONRY VENEER
8	ALUMINUM FRAMED GLASS GUARD





2. Any future development of the Lands shall conform with all applicable provisions and requirements of the Land Use By-law for the Regional Centre, 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 Corporation Name and 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

## **Attachment C: Policy Evaluation**

### **13. DEVELOPMENT AT ROBIE STREET / COLLEGE STREET / CARLTON STREET**

The properties identified as: at 1377 Robie Street, 1389 Robie Street, PID 00473009, PID 00472993, 5949 College Street, 5963 College Street, 5969 College Street, 5977 College Street, 5989 College Street, 5991 College Street, 5993 College Street, 1452 Carlton Street and 1456 Carlton Street, Halifax, are subject to a site-specific planning policy request to allow high density mixed-use development. This proposal is one of the twelve policy requests noted in Section 1. On August 1, 2017, Regional Council chose to continue processing this proposal subject to specific considerations.

#### **13.1 Specific Considerations**

The June 2017 Centre Plan Document identifies these properties as a Centre and Established Residential. Centres are identified for targeted growth and play an important role in managing growth within the Regional Centre. These areas are envisioned to support approximately 28% of new residents within the Regional Centre. A number of heritage properties along Carlton Street, which form part of the Carlton Street Heritage Streetscape, are not included in the Centre. These heritage properties are identified as Established Residential and are characterized by detached homes and lower density development.

This proposal was given Regional Council direction to continue, subject to the proposal generally aligning with the June 2017 Centre Plan Document relative to urban structure and height. Regional Council also directed the proposals to address the planning principles noted in Section 2. Also, given the proposal includes, and abuts, municipally registered heritage properties, the proposal must address applicable heritage policies in the Regional Plan.

#### **13.2 Early Victorian Streetscape (Carlton)**

The Carlton Street Early Victorian Streetscape is an area comprised of seventeen registered heritage buildings constructed between 1860 and 1906 that include examples of a variety of Victorian styles. This area lies on what was once part of the South Common which was subdivided in 1818 into lease holds, and subsequently sold as smaller lots for residential development in 1871. The streetscape is located on Carlton Street between Spring Garden Road and College Street.

##### **13.2.1 Heritage Value of Carlton Early Victorian Streetscape**

The Carlton Early Victorian Streetscape is valued as an excellent example of a Victorian era residential street. Originally Carlton Street was part of the South Commons in Halifax. Prior to 1818 this area was divided into four large lots that were purchased by merchants Richard Tremaine and John Staynor. The lots were again subdivided and houses began to be built in 1860 and continued until 1906. During this period construction materials and labour was inexpensive. Those who had money built lavish houses, such as those on Carlton Street, employing many workers.

Following the end of World War I the cost of building supplies increased and there was a shortage of labour, both of which slowed the construction of elaborate and large homes. In addition, Victorian homes, such as those on Carlton Street, became too costly to maintain and were often converted to rooming houses or hotels. Some were demolished and replaced by smaller, less adorned dwellings. Today, the Carlton Early Victorian Streetscape is a rare example of an intact Victorian era street, consisting of seventeen large and lavish homes.

Architecturally, the Carlton Early Victorian Streetscape is valued for its sense of unity in scale, materials, and detail. These homes incorporate and blend elements of the Greek Revival, Modified Gothic, and

Second Empire styles. The houses and townhomes range between two and three storeys, which allows for the human element and sense of community to flourish. All of the houses are of wood frame construction. There is a variety in the pitch and type of roof lines, placement of the buildings offer a vast array of dormers, windows, and bays, decoration, porches, and verandas. Each house commands its own attention while complementing its abutting, opposite, or adjacent structure.

### 13.3 Regulating Development

Given the Carlton Street / Robie Street / College Street area contains the Carlton Early Victorian Streetscape, and one other municipally registered heritage property on College Street (5969 College Street), the development agreement process provides the most appropriate planning tool to protect heritage value while also allowing for new development. The development agreement process also allows for development to be regulated on Carlton Street, Robie Street and College Street in keeping with applicable heritage policies in the Regional Plan. Lastly, the development agreement process allows for development to be regulated in a detailed manner, to ensure development generally aligns with the urban structure and heights identified in the June 2017 Centre Plan Document and ensures the five planning principles noted in Section 2 are addressed.

#### 13.3.1 Development Agreement Provisions

The Land Use By-law for Halifax Peninsula shall be amended to identify that mixed-use development may be considered by development agreement for the properties on Robie Street, College Street and Carlton Street, that are shown on Site B of Map A of this Section.

- (1) Notwithstanding other policies of this Municipal Planning Strategy except 13.3.1(2), a development agreement, for the lands identifies as Site B on Map A of this Section, shall:

Policy Criteria	Comment
(a) permit a mixed-used (residential, commercial) building;	<i>Subsection 3.4.1 of the proposed development agreement (Attachment A of this report) permits a mixed-use building.</i>
(b) require that a proposal is a comprehensive plan for the development of all lands identified as Site B (Case 20761), as shown on Map A, and includes phasing of the development;	<i>Subsection 3.3.1 of the proposed development agreement requires that all lands subject to the policy are developed in two phases.</i>
(c) in accordance with the approval of substantial alterations granted by Regional Council on January 29, 2019, the properties identified as 1452 Carlton Street, 1456 Carlton Street, 5969 College Street and 5963 College Street, shall be altered, relocated and registered, as proposed in the staff report dated November 9, 2018, titled <i>Case H00456: Substantial Alterations to municipally registered heritage properties at 5969 College Street and 1452 &amp; 1456 Carlton Street, Halifax;</i>	<i>Subsections 3.2.6 and 3.8.1 of the proposed development agreement requires that development of the site is consistent with the approved substantial alterations granted by Regional Council on January 29, 2019.</i>
(d) restrict development located west of the Heritage Line (as shown on Map A) to a maximum Floor Area Ratio of 8.0. Lot area(s) associated with 1452 Carlton Street and 1456 Carlton Street, or any lands located east of the Heritage Line (as identified on Map A), shall not be included as part of the total lot area calculation;	<i>Subsections 3.5.5 and 3.5.6 of the proposed development agreement requires that lands west of the Heritage Line not exceed a FAR of 8.0 and that no portion of the lands east of the Heritage Line be calculated as part of the total lot area calculation.</i>

<p>(e) restrict building height to a maximum of 90 metres, excluding rooftop features;</p>	<p><i>Subsections 3.5.2 of the proposed development agreement regulates maximum building height. The proposed development agreement restricts building height to a maximum of 90 metres, excluding rooftop features.</i></p>
<p>(f) notwithstanding Policy 13.3.1(1)(e), require that the development conforms with the Citadel Rampart requirements;</p>	<p><i>Subsection 3.2.4 requires, prior to the issuance of a development permit (for Phase 2 of the development) the developer shall provide, to the Development Officer, confirmation from a Nova Scotia Land Surveyor that the planned construction, or part thereof, meets the Rampart requirements of the Land Use By-law.</i></p>
<p>(g) restrict the height, coverage and setback of building rooftop features;</p>	<p><i>Subsection 3.5.4 of the proposed development agreement regulates the height, coverage and setback of rooftop features.</i></p>
<p>(h) require that the proposed building podium be setback a minimum of:</p> <p>i. 6 metres from any registered heritage property or any property boundary facing East (Carlton Street); and</p> <p>ii. 1.5 metres from any streetline.</p>	<p><i>Subsections 3.5.12 and 3.5.13 of the development agreement requires that the proposed building podium be setback 6 metres from any registered heritage property or any property boundary facing East (Carlton Street); and 1.5 metres from any streetline.</i></p>
<p>(i) require that any portion of the mixed-use development, located above the streetwall or building podium, be stepback a minimum of:</p> <p>i. 6.5 metres from the edge of the building podium facing East (Carlton Street); and</p> <p>ii. 4.5 metres from the edge of any streetwall;</p>	<p><i>Subsection 3.5.15 of the proposed development agreement requires that any portion of the mixed-use development, located above the streetwall or building podium, be stepback a minimum of 6.5 metres from the edge of the building podium facing East (Carlton Street) and 4.5 metres from the edge of any streetwall.</i></p>
<p>(j) require that any portion of the mixed-use development, located above the streetwall or building podium, be setback a minimum of 11.5 metres from the north property line;</p>	<p><i>Subsection 3.5.15 of the proposed development agreement requires that any portion of the mixed-use development, located above the streetwall or building podium, be setback a minimum of 11.5 metres from the north property line.</i></p>
<p>(k) require a minimum separation distance of 23 metres between any towers;</p>	<p><i>Subsection 3.5.16 of the proposed development agreement requires a minimum separation distance of 23 metres between any towers.</i></p>
<p>(l) restrict the floor area of any tower to a maximum of 750 square metres per floor;</p>	<p><i>Subsection 3.5.17 of the proposed development agreement restricts the floor area of any tower to a maximum of 750 square metres per floor.</i></p>
<p>(m) restrict streetwall height to a maximum of:</p> <p>i. 16 metres along Robie Street;</p>	<p><i>Subsection 3.5.8 of the proposed development agreement restricts streetwall height to a</i></p>

<p>ii. 13 metres along College Street; and</p> <p>iii. Notwithstanding Policy 13.3.1(1)(m)(ii), 16 metres along College Street, for a total distance of 18.5 metres travelling east from Robie Street;</p>	<p><i>maximum of 16 metres along Robie Street and 13 metres along College Street.</i></p> <p><i>Subsection 3.5.9 of the proposed development agreement allows a portion (18.5 metres travelling east from Robie Street) of the streetwall to be a maximum of 16 metres high.</i></p>
<p>(n) restrict building podium heights to a maximum of:</p> <p>i. 13 metres facing East (Carlton Street); and</p> <p>ii. 16 metres facing North (Spring Garden Road);</p>	<p><i>Subsection 3.5.11 of the proposed development agreement restricts building podium heights to a maximum of 13 metres facing East (Carlton Street) and 16 metres facing North (Spring Garden Road).</i></p>
<p>(o) require a mix of residential unit types;</p>	<p><i>Subsection 3.4.5 of the proposed development agreement requires at least twenty-five (25) percent of the total number of dwelling units, in the mixed-use development, shall include two or more bedrooms.</i></p>
<p>(p) require a landscaped buffer and fencing along the East lot line or any property boundaries which abut a registered heritage property;</p>	<p><i>Subsection 3.6.16 of the proposed development agreement requires a landscape buffer and fencing where the mixed-use development abuts a heritage property.</i></p>
<p>(q) require indoor and outdoor amenity space for on-site residents;</p>	<p><i>Subsection 3.6.23 of the proposed development agreement requires a combination of private and common indoor and outdoor amenity space.</i></p>
<p>(r) permit ground floor commercial uses along Robie Street and College Street however, ground floor commercial uses along College Street shall only be located in close proximity (within 18.5 metres) to Robie Street;</p>	<p><i>Subsection 3.4.3 of the proposed development agreement permits ground floor commercial uses along Robie Street and a portion of College Street (within 18.5 metres of Robie Street).</i></p>
<p>(s) regulate streetwall massing, external building design, cladding materials, design of at-grade residential units, front yard landscaping, outdoor storage, signage, and the planting of vegetation; and</p>	<p><i>Subsection 3.5 of the proposed development agreement regulates the siting, massing, external building design, cladding materials, and the design of at-grade residential units.</i></p> <p><i>Subsections 3.6.14 and 3.6.16 regulates front yard landscaping and the planting of vegetation.</i></p> <p><i>Outdoor storage and signage are regulated in accordance with the requirements of the applicable Land Use By-law, as amended from time to time.</i></p>
<p>(t) permit indoor / underground parking.</p>	<p><i>Subsection 3.6.5 of the proposed development agreement permits indoor/underground parking.</i></p>

(2) In addition to meeting the requirements of Policy 13.3.1(1) a) to t) inclusive, when considering a development agreement for the property located on Robie Street, College Street and Carlton Street, Halifax, Council shall consider:

<p>(a) the planning principles of transition, pedestrian-oriented, human-scale, building design and context sensitive, as described in Section 2; and</p>	<p><i>Transition: The proposed building design includes a 6-metre setback from the heritage properties to the east, and a 7.6 metre stepback from the eastern edge of the building podium. Therefore, the high-rise portions of the building are setback 13.6 metres from the heritage properties to the east, creating an appropriate transition to surrounding built forms. The proposed development requires a combination of plantings and fencing, between the proposed mixed-use building and heritage properties. This requirement provides a buffer between new development and existing heritage resources and helps to soften building elements of the mixed-use building.</i></p> <p><i>Pedestrian-Oriented: The proposed development is oriented towards Robie Street and College Street through a 1.5 metre streetwall setback, creating a human scaled streetwall experience. The development includes a small landscaped courtyard between the building and College Street to emphasize the building entrance and to create variety for the pedestrian experience. The proposed development agreement provides for flexibility in streetwall design that provides frequent and prominent entrances, the use of transparent materials, ground floor commercial uses and at grade residential units. Proposed parking and driveway accesses are designed to minimize conflict with pedestrians.</i></p> <p><i>Human Scale: The proposed development is oriented towards Robie Street and College Street through a 1.5 metre streetwall setback and a 3-4 storey streetwall height, creating a human scaled streetwall experience.</i></p> <p><i>Building Design: The proposed building design includes fine-scale architectural detailing through projections, recesses, and materials changes. The tower design includes modulation of building massing (i.e. smaller floorplates in the upper storeys) and recesses/projections to reduce its apparent scale.</i></p> <p><i>Context Sensitive: The proposed building includes a variety of built form setbacks, stepbacks, projections, recesses and materials to ensure the siting of the building and design of the building are compatible with and do not adversely impact its surrounding context.</i></p>
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<p>(b) the provision of appropriate changes in building size and massing, to create appropriate transitions to surrounding built forms.</p>	<p><i>The proposed building design includes a 6-metre setback from the heritage properties to the east, and a 7.6 metre stepback from the eastern edge of the building podium. Therefore, the high-rise portions of the building are setback 13.6 metres from the heritage properties to the east, creating an appropriate transition to surrounding built forms.</i></p>
<p>(c) the design of at-grade residential units that balance residents' privacy with the desire for attractive and transparent streetwalls;</p>	<p><i>The proposed streetwall and building podium facing east includes townhouse units with at-grade entries. The design includes fine-scale architectural detailing through projections, recesses, and materials changes. The residential entries are located slightly above the grade of the street to ensure privacy for residents.</i></p>
<p>(d) that the proposed development is oriented toward Robie Street and College Street;</p>	<p><i>The proposed development is oriented towards Robie Street and College Street. The development includes a small landscaped courtyard between the building and College Street to emphasize the building entrance and create variety for the pedestrian experience.</i></p>
<p>(e) that the design of ground floor commercial units along Robie Street and a portion of College Street complement a commercial streetscape, through the provision of commercial units with large, transparent windows and at-grade entrances opening onto the sidewalk;</p>	<p><i>The proposed building includes ground floor commercial units along Robie Street and a portion of College Street. The building design complements a commercial streetscape, through the provision of commercial units with large transparent windows and at-grade entrances opening onto the sidewalk.</i></p>
<p>(f) that the design of driveways and garage entrances minimizes their impact on pedestrians and on the streetscape, by minimizing their size, by setting garage doors back from the street and by using screening or architectural finishes as appropriate.</p>	<p><i>The proposed driveway accesses are oriented to the northwest and southeast corners of the site and are designed to minimum size. The access to underground parking is recessed from the street to ensure pedestrian safety.</i></p>
<p>(g) consider environmental factors, including sun/shadow and wind conditions are suitable for in the intended use of the site;</p>	<p><i>An analysis of environmental factors, including sun/shadow and wind conditions, identifies that such conditions are suitable in view of the proposed development. Findings of a quantitative wind analysis suggest that the proposed development site will realise conditions suitable to a typical suburban context.</i></p>
<p>(h) consider the implementation of controls to reduce conflict with any adjacent or nearby land use(s) by reason of traffic generation, access to and egress from the site and parking; and</p>	<p><i>The proposed development agreement requires the placement of a driveway entrance/egress along Robie Street. The proposed driveway configuration is right in/right out. Access to underground parking is provided along College Street. The proposed entrance is recessed from the streetwall to provide increased sight distance and to reduce potential conflict between motorists and pedestrians. The proposed</i></p>

	<i>development agreement does not permit drive-thru restaurants or uses that typically result in higher rates of vehicle trips.</i>
(i) Policy CH-16 of the Regional Municipal Planning Strategy, which provides guidance for development abutting heritage properties, and all applicable heritage policies as may be amended from time to time.	<i>See below.</i>

**Regional MPS Policy:**

**Policy CH-16:** For lands abutting federally, provincially or municipally registered heritage properties, HRM shall, when reviewing applications for development agreements, rezonings and amendments pursuant to secondary planning strategies, or when reviewing the provision of utilities for said lands, consider a range of design solutions and architectural expressions that are compatible with the abutting federally, provincially or municipally registered heritage properties by considering the following:

<b>Policy Criteria</b>	<b>Comment</b>
(a) the careful use of materials, colour, proportion, and the rhythm established by surface and structural elements should reinforce those same aspects of the existing buildings;	<i>The proposed streetwall and building podium facing east includes fine-scale architectural detailing through projections, recesses and material changes that reinforce similar aspects of the abutting heritage resources.</i>
(b) ensuring that new development is visually compatible with yet distinguishable from the abutting registered heritage property. To accomplish this, an appropriate balance must be struck between mere imitation of the abutting building and pointed contrast, thus complementing the abutting registered heritage property in a manner that respects its heritage value;	<i>The proposed streetwall massing, external building design along College Street and along the building podium facing east, cladding materials, design of at-grade residential units and front/side yard landscaping complements the abutting registered heritage properties in a manner that respects its heritage value. The scale, proportion, and design of the streetwall and podium of the mixed-use building is similar to that of the abutting heritage resources, however it is not an imitation. The mixed-use building includes more modern interpretation of the scale, proportion and rhythm of the abutting heritage resources, creating compatibility and contrast. Subsection 3.5.23 of the proposed development agreement requires the mixed-use building to include building materials and colours that are of a muted tone. In contrast, buildings located within Phase 1 shall include colours that are consistent with the Victorian style and the surrounding heritage streetscape.</i>
(c) 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>(i) the proposed streetwall and building podium facing east includes townhouse units with at-grade entries. The streetwall and podium include fine-scale architectural detailing through projections, recesses and material changes.</i>

<p>(i) incorporate fine-scaled architectural detailing and human-scaled building elements.</p> <p>(ii) reinforce, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage properties; and</p> <p>(iii) any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm and abutting registered heritage properties by incorporating design solutions, such as stepbacks from the street wall and abutting registered heritage properties, modulation of building massing, and other methods of massing articulation using horizontal or vertical recesses or projections, datum lines, and changes in material, texture or colour to help reduce its apparent scale;</p>	<p><i>(ii) the proposed streetwall and podium abutting the registered heritage properties to the east is compatible in terms of scale, height and proportion to the structural rhythm and bays of the heritage buildings.</i></p> <p><i>(iii) the proposed tower above the streetwall/podium is stepped back significantly from the street (4.5 metres) and from the podium edge (7.6 metres). The tower design also includes modulation of building massing (i.e. smaller floorplates in the upper storeys) and recesses / projections to reduce its apparent scale.</i></p>
<p>(d) the siting of new developments such that their footprints respect the existing development pattern by:</p> <p>(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</p> <p>(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;</p>	<p><i>(i) for Phase 2, the proposed podium levels of the building are oriented towards College street to create a human scaled streetwall experience that is compatible and consistent with abutting heritage resources.</i></p> <p><i>(ii) the front yard setback of the proposed building along College Street (1.5 metre) is compatible with the front yards of abutting heritage resources that are also within proximity to College Street. The side yard of the mixed-use building (6 metres) provides adequate separation distance to ensure appropriate transition between the abutting heritage resources and the new development.</i></p>
<p>(e) not unreasonably creating shadowing effects on public spaces and heritage resources;</p>	<p><i>The proposed development does not unreasonably create shadowing effects on public spaces or heritage resources.</i></p>
<p>(f) complementing historic fabric and open space qualities of the existing streetscape;</p>	<p><i>Properties 1452 Carlton Street, 1456 Carlton Street, 5969 College Street and 5963 College Street, are proposed to be altered, relocated and registered, as outlined in the staff report dated November 9, 2018, titled Case H00456: Substantial Alterations to municipally registered heritage properties at 5969 College Street and 1452 &amp; 1456 Carlton Street, Halifax.</i></p>

	<i>These alterations allow for the restoration of the subject heritage buildings and help to maintain qualities of the existing Carlton and College Streetscapes.</i>
(g) minimizing the loss of landscaped open space;	<i>The proposed development is designed to increase the amount of landscaped open space within the subject properties beyond what exists today.</i>
(h) ensuring that parking facilities (surface lots, residential garages, stand-alone parking and parking components as part of larger developments) are compatible with abutting federally, provincially or municipally registered heritage structures;	<i>The proposed development agreement permits underground parking with access provided from College Street. Underground parking facilities are compatible with abutting heritage resources.</i>
(i) placing utility equipment and devices such as metering equipment, transformer boxes, power lines, and conduit equipment boxes in locations which do not detract from the visual building character or architectural integrity of the heritage resource;	<i>The siting and placement of utility equipment and devices is required in a manner that does not detract from the visual building character or architectural integrity of the heritage resources. Subsection 3.5.28 of the proposed development agreement permits the placement of an electrical transformer within the proposed hard-landscaped areas provided it is screened and not placed in any front or flanking yard.</i>
(j) having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and	<p><i>The objective of the Heritage Policies under the Halifax MPS is “The preservation and enhancement of areas, sites, structures, streetscapes and conditions in Halifax which reflect the City’s past historically and/or architecturally.” The policy criteria speak to preserving heritage properties through heritage designation, and ensuring development that will impact heritage resources is sensitive and complementary.</i></p> <p><i>The anticipated impact of the proposed development on the heritage context is limited. The proposed design enables the protection of abutting heritage properties by including appropriate separation between proposed development, appropriate scaled streetwall massing and compatible external building design.</i></p>
(k) any applicable matter as set out in Policy G-14 of this Plan.	<i>Policy G-14 (pertaining to Regional Plan amendments requiring subsequent amendments to other planning documents for consistency), is not applicable.</i>

# Attachment D - Public Meeting Minutes June 4, 2018



## HALIFAX PENINSULA PLANNING ADVISORY COMMITTEE PUBLIC MEETING MINUTES June 4, 2018

PRESENT: Sarah MacDonald, Chair  
Grant Cooke  
Ashley Morton  
Margo Grant  
Houssam Elokda  
Matthew Novak  
Councillor Lindell Smith  
Deputy Mayor, Wayne Mason

REGRETS: Jason Cooke  
Jeana MacLeod, Vice Chair

STAFF: Tyson Simms, Planner II  
Seamus McGreal, Heritage Planner  
Alden Thurston, Planning Technician  
Hannah Forsyth, Legislative Support, Office of the Municipal Clerk

*The following does not represent a verbatim record of the proceedings of this meeting.*

*The agenda, supporting documents, and information items circulated to the Committee are available online at [Halifax.ca](http://Halifax.ca)*

*The meeting was called to order at 7:00 p.m. and the Committee adjourned at 8:36 p.m.*

## **1. CALL TO ORDER**

The Chair called the meeting to order at 7:00pm pm at St. Andrews United Church 6036 Coburg Road, Halifax NS. The Chair introduced the Committee and outlined the schedule of the evening and the importance of the public feedback.

## **2. PUBLIC INFORMATION MEETING**

**2.1 Case 20761: Application by Kassner Goodspeed Architects to change the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to allow two towers, 26 and 20 floors, on a shared base, with a mix of retail uses, commercial uses and residential units, at the corner of Robie and College Streets.**

**The following was before the Committee:**

- Correspondence received from: Lezlie Oler, Kristina McMillan, Peter Fillmore, Flint Schwartz, Friends of Halifax Common.

The Chair invited Tyson Simms, Planner, to present Case 20761. Simms outlined the planning process and application thus far. Simms explained that the committee will review the input collected today and incorporate it into their evaluation. Simms gave an overview of the context of the proposed development and surrounding area. The relevant land use by-laws and Centre Plan guidelines were explained. As were the Heritage buildings, the single dwellings and the heritage property in question that would be relocated. Simms outlined the existing municipal planning strategy for the area, and the site specific Municipal Planning Strategy amendment request.

The Chair invited the applicant to say a few words. The applicant spoke to the importance of his family's business and how the promenade will be a legacy project for the family.

The Chair invited architect Dan Goodspeed to speak. Goodspeed presented the building proposal and the heritage relocations. Goodspeed stated there will be a 20 and 26 storey tower, with approximately 400 residential units. There will be 32,000 feet of ground floor commercial space, and underground parking for approximately 384 vehicles.

The Chair clarified the rules of the question and answer and the format for a productive feedback session before opening the floor to comments from the public.

**Owen Kerrigan, Halifax**, questioned the Centre Plan's planning principals in relation to the proposal and noted that traffic and rodents come with the increased density.

**Hussien, Halifax**, stated their objection to the two different public information meetings and questioned the presence of proper infrastructure to support increased density. The sewer system, traffic implications and roads, should all be considered by the city. Hussien asked if more properties will be demolished.

**Beverley Miller, Halifax**, questioned the need for the development and noted various vacancy rates in Halifax. Miller explained the frustration in only hearing from one applicant at a time, instead of all applicants planning to develop in the area.

**Dan Campbell, Summer Gardens**, stated concerns regarding the overall height of the tower. Campbell noted that there is an insufficient setback in the development, and no human-scale in the proposal now.

**Susan Sundellman, Halifax**, stated that the density is too high and frustrations over considering one development out of four in the area. Sundellman noted concerns with the height but welcomes development and reasonable rents. Traffic and sewer will be issues. Sundellman was impressed with the representation of the drawings and liked the setback and architecture.

**Craig Meade, Halifax**, stated that the public should not be receiving proposals that are inappropriate to begin with regarding municipal planning strategies. Meade stated disappointment with architecture in Halifax and asked that future high rises not overwhelm the older sections of the city.

**Catherine Bent, Halifax**, asked to preserve the character of Halifax. Bent noted that there is no apparent place to “drop off” people, and no place for cars to pull in. The proposed parking lot entrance on College is a mistake as traffic is already bad on that street.

**Jen S, Halifax**, stated that the proposal is unnecessary. Height and the wind on College is bad because of the Tupper building, so no more wind tunnels should be created.

**Keenan T, Halifax**, noted that few pedestrians are on College, vacancy rates are high, and questioned the demand for this development and density.

**Edward Street**, stated that Halifax plans and by-laws are never adhered to, and developers always exceed the rules.

**Allan R, Halifax**, stated that multiple developers are trying to get their plans in before the Centre Plan is official. Allan noted that there are two major properties currently being discussed, not just one. Allan suggested a public hearing after the Centre Plan.

**Lucille Toon, Halifax**, stated that the purpose of government is to look out for the welfare of its citizens please do that.

**Henessey Towers**, preferred one meeting with all three developers to see the whole picture of development.

**Penelope Russell, Halifax**, noted that there are increasing winds in the city.

**Greg Bent, Summer Gardens**, noted that a separation of developments makes it difficult to gather public opinion and questioned the value of this feedback.

**Robert Fawcett, Cole Harbour**, admired the development and thought the applicant did a great job.

**Alice Chan Yu, Spring Garden**, noted that the development is in a good location and mixed the residential and commercial well. Yu did ask for reassurance that local property values will not be negatively affected.

Staff will look at the possibility of presenting all proposals at once in the future, given the close proximities.

The Chair clarified contact information and comment cards for feedback and thanked the community for attending the Public Information Meeting.

### **3. ADJOURNMENT**

The meeting adjourned at 8:36 p.m.

Hannah Forsyth  
Legislative Support



**HALIFAX PENINSULA PLANNING ADVISORY COMMITTEE MINUTES  
September 24, 2018**

**PRESENT:** Sarah MacDonald, Chair  
Jeana MacLeod, Vice Chair  
Ashley Morton  
Grant Cooke  
Margo Grant  
Mathew Novak  
Houssam Elokda  
Councillor Lindell Smith

**REGRETS:** Jason Cooke  
Deputy Mayor Wayne Mason

**STAFF:** Tyson Simms, Planner II, Planning and Development  
Kathleen Fralic, Planner II, Heritage & Urban Design  
Sharon Chase, Legislative Assistant, Office of the Municipal Clerk

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to the Committee are available online at [Halifax.ca](http://Halifax.ca)



The meeting was called to order at 4:32 p.m. and the Committee adjourned at 6:20 p.m.

## **1. CALL TO ORDER**

The Committee agreed to have member Ashley Morton act as Chair until the arrival of the Chair and Vice Chair.

Ashley Morton, Acting Chair, called the meeting to order at 4:32 p.m. at Halifax Hall, 2nd Floor City Hall, 1841 Argyle Street, Halifax.

## **2. COMMUNITY ANNOUNCEMENTS**

Councillor Smith noted that there are design charrettes being held on September 25th and 26th at Dalhousie for the Cogswell Redevelopment Project.

## **3. APPROVAL OF MINUTES – August 20, 2018**

MOVED by Mathew Novak, seconded by Margo Grant

**THAT the minutes of August 20, 2018 be approved as circulated.**

**MOTION PUT AND PASSED.**

## **4. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

MOVED by Councillor Smith, seconded by Margo Grant

**THAT the agenda be approved as presented.**

**MOTION PUT AND PASSED.**

The Chair and Vice Chair arrived at 4:35 p.m.

## **5. BUSINESS ARISING OUT OF THE MINUTES- NONE**

## **6. CALL FOR DECLARATION OF CONFLICT OF INTERESTS- NONE**

## **7. CONSIDERATION OF DEFERRED BUSINESS**

### **7.1 Case 20761: Case 20761: Robie Street, College Street and Carlton Street, Halifax**

The following is before the Committee:

- Proposed Design Rationale (Revised July 2018)
- Perspective Views - North West, Robie Street, Carlton and College, Robie and College and Carlton Street
- Application Package
- Site Plan
- Shadow Analysis
- Wind Statement
- Traffic Impact Study
- Application Package (Superseded)
- Public Meeting Notes
- Correspondence from Dan Goodspeed, Friends of Halifax Common, Jennifer Powley, Janet Maybee, Graham Read and Rebecca Robertson

Kassner Goodspeed Architects, on behalf of 3088962 Nova Scotia Limited, has requested amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to permit a mixed-use development along Robie Street, College Street and Carlton Street. As proposed, the development includes: a 26 storey and 20 storey tower; approximately 400 residential units; up to 32,000 square feet of ground level commercial space; and underground parking for approximately 384 vehicles.

The subject site includes a total of 10 properties (PID #00473009; PID #00472993; 1377 and 1389 Robie Street; 5949, 5963, 5969, 5977 and 5989/5991/5993 College Street; and 1452 and 1456 Carlton Street.) As proposed, existing structures located at 1389 Robie Street; 5991/5993/5989; 5977; 5963; and 5949 College Street, will be demolished to accommodate the proposed mixed-use development. The applicant has also proposed substantial alterations on three registered municipal heritage properties located at 5969 College Street, 1452 Carlton Street, and 1456 Carlton Street. The objective of the alteration proposal is to integrate these heritage properties into the larger development project on the same block. The alteration proposal is to move a registered municipal heritage building from its current location at 5969 College Street to a nearby location on College Street in the rear yards of two municipal heritage properties located in the registered heritage streetscape along Carlton Street. In addition to the relocation of the building at 5969 College Street, the applicant has also proposed the relocation of the building located at 1377 Robie Street to College Street. This building is not registered as a municipal heritage property, as such its proposed relocation is not subject to a substantial alteration application.

Tyson Simms, Planner II, provided the presentation previously seen by the Committee as a reference point. Since the original presentation, the applicant has provided additional information to address questions raised: the streetwall setback is 4 feet, the FAR is 7.4 based on current criteria and they are now proposing to move a different building to address heritage considerations. Simms noted that additional correspondence received has been reviewed by staff. The Committee was asked to consider how the proposal meets the requirements of Regional Plan Policy CH-16, which was reviewed.

Staff reviewed the history of the Conservation District requests made by the Friends of the Halifax Common in 2012 and again in 2016. The Halifax Common Master Plan and Regional Plan Review which was re-adopted in 2014 were also noted. Simms reviewed the relocation and revitalization aspects of the Heritage property detail, 1456 and 1452 Carleton Street and 1377 Robie Street and its rationale.

MOVED by Ashley Morton, seconded by Houssam Elokda

**THAT the Halifax Peninsula Planning Advisory Committee recommends that the Halifax & West Community Council proceed with the approval of Case 20761.**

The Committee noted that this proposal will add significant residential density in an area that has good infrastructure, which support the goals of the Centre Plan. An improved streetscape should consider landscaping and greenery and the impact of the pedestrian experience on a significant corner. The Committee had questions about the sub-grade terrace areas in front of the heritage homes and valued conserving heritage and preserving Carleton Street. Discussion took place around housing supply and distribution. It was noted that heritage and cultural elements attract citizens to a neighbourhood. Additionally, it was noted that the overall height is too high and that reducing height may provide more opportunity to protect the social quality. The use of design can enhance and encourage this by including more social amenities, transactional spaces and the creation of a mini neighbourhood. It was suggested that a 3 storey streetwall throughout may be more appropriate and that height should align with the principles as laid out in the draft Centre Plan. Distances between buildings and developments were discussed. As an existing well functioning neighbourhood, an alternative to removing everything in the block was suggested, where improvements to individual buildings would be considered. Concerns were raised regarding the overall visual mass and the human scale both vertically and horizontally. Joint reviews of the two developments for wind, traffic and shadow were considered important. The coordination of the construction timelines for these developments was also considered important.

MOVED by Ashley Morton, seconded by Councillor Smith

**THAT the motion be amended by the Halifax Peninsula Planning Advisory Committee to note the following:**

- Values increased density development in this area;
- Has concerns about the 26-storey tower height and the overall visual mass of the building, and recommends the tower heights conform to current and emerging Centre Plan guidelines;
- Believes the proposal is an improvement on the existing streetscape;
- Appreciates promised effort to maintain and/or restore heritage buildings along the College/Carlton street corner;
- Has concerns about the preservation of character elements of the heritage buildings (i.e. detached homes and below grade elements);
- Encourages additional efforts to improve pedestrian experience and protection of heritage properties along College/Carlton street corner;
- Encourages at-grade bicycle parking storage be incorporated into design;
- Recommends that additional amenity space for residents be incorporated into the building design and landscaping;
- Recommends the 4-storey street wall along Robie and College Streets be reduced to 3 stories to better suit neighbourhood context;
- Recommends the gazebo design element on the Robie/Spring Garden corner be modified to improve building aesthetic;
- Encourages the construction of two proposals (case 20761 and case 20218) be coordinated and happen together if both are approved;
- Recommends a quantitative wind study and joint shadow and traffic study be done for impacts of both proposals (case 20761 and case 20218) combined, and additional proposals or existing buildings in the vicinity, as appropriate;
- Would value a more complete access plan for resident pick-up and drop-off, and active transportation use;
- Encourages efforts to move utilities and wiring underground during construction;
- Recommends that the CH-16 elements be considered by Heritage Advisory Committee; and
- Encourages planning staff to use all available tools to maximize affordable housing within the development.

**MOTION TO AMEND PUT AND PASSED.**

MOVED by Jeana MacLeod, seconded by Mathew Novak

**THAT the motion be amended by the Halifax Peninsula Planning Advisory Committee to recommend:**

- a modification of building design to improve articulation along horizontal perspectives.

The Committee chose to address this concern separately. Discussion focused on whether the existing design could work or whether interesting elements and features such as eaves should be incorporated to break up the wall. It was noted that the design was urban and European in nature.

**MOTION PUT AND DEFEATED.**

The question was called on the amended motion as follows:

**THAT the Halifax Peninsula Planning Advisory Committee recommends that the Halifax & West Community Council proceed with the approval of Case 20761.**

**The committee also:**

- Values increased density development in this area;
- Has concerns about the 26-storey tower height and the overall visual mass of the building, and recommends the tower heights conform to current and emerging Centre Plan guidelines;
- Believes the proposal is an improvement on the existing streetscape;
- Appreciates promised effort to maintain and/or restore heritage buildings along the College/Carlton street corner;
- Has concerns about the preservation of character elements of the heritage buildings (i.e. detached homes and below grade elements);
- Encourages additional efforts to improve pedestrian experience and protection of heritage properties along College/Carlton street corner;
- Encourages at-grade bicycle parking storage be incorporated into design;
- Recommends that additional amenity space for residents be incorporated into the building design and landscaping;
- Recommends the 4-storey street wall along Robie and College Streets be reduced to 3 stories to better suit neighbourhood context;
- Recommends the gazebo design element on the Robie/Spring Garden corner be modified to improve building aesthetic;
- Encourages the construction of two proposals (case 20761 and case 20218) be coordinated and happen together if both are approved;
- Recommends a quantitative wind study and joint shadow and traffic study be done for impacts of both proposals (case 20761 and case 20218) combined, and additional proposals or existing buildings in the vicinity, as appropriate;
- Would value a more complete access plan for resident pick-up and drop-off, and active transportation use;
- Encourages efforts to move utilities and wiring underground during construction;
- Recommends that the CH-16 elements be considered by Heritage Advisory Committee; and
- Encourages planning staff to use all available tools to maximize affordable housing within the development.

**MOTION AS AMENDED PUT AND PASSED.**

## **8. CORRESPONDENCE, PETITIONS & DELEGATIONS**

### **8.1 Correspondence**

Correspondence was received for item 7.1 and distributed to Committee members.

### **8.2 Petitions – None**

### **8.3 Presentations – None**

## **9. INFORMATION ITEMS BROUGHT FORWARD - NONE**

## **10. REPORTS/DISCUSSION**

### **10.1 STAFF**

**10.1.1 Case 21539: Application by Leeward Properties Ltd. to amend a development agreement at 6247-6249 Jubilee Road, Halifax to allow for an addition at the rear of the building.**

The following is before the Committee:

- Map 1 – Generalized Future Land Use Map
- Map 2 – Zoning Map
- Site Plan
- Building Elevations and Plans
- Relevant MPS Policies

The owners of 6247/49 Jubilee Road (a registered heritage property) have applied to amend their existing development agreement to allow for an addition to the rear of the existing building. The property currently contains a commercial space on the ground floor and a residential unit above. The addition would create an additional 287s/ft. of commercial space and an additional 184s/ft. of residential space as well as upgraded access from the rear of the property.

Kathleen Fralic, Planner II Heritage and Urban Design, presented Case 21539 providing site context and sharing the history and heritage character of the building. Parking spaces and landscaping will be maintained with the new addition to match existing elements with a few modern details. Fralic also reviewed the enabling policy, zoning and designation, and public engagement to date. The Committee was asked to advise whether the proposal complies with the policy in consideration of the following: building massing, site design and traffic/parking.

Fralic confirmed that the balcony would be used by second floor residents and that the materials used for siding and windows would be consistent with the existing building. It was noted that the design will go to the Heritage Advisory Committee for review.

MOVED by Ashley Morton, seconded by Houssam Elokda

**THAT the Halifax Peninsula Planning Advisory Committee recommends that the Halifax & West Community Council proceed with approval of the amendment request for Case 21539.**

**MOTION PUT AND PASSED.**

**10.1.2 Committee Appointments- Expiring in November and renewal process**

The following is before the Committee:

- Staff memo dated September 24, 2018

The Chair reviewed the renewal process for Committee members, noting the deadline of October 21, 2018.

**10.2 COMMITTEE MEMBERS**

**10.2.1 Public Information Meetings**

Chair Sarah MacDonald shared the idea of re-invigorating public information meetings with the goals of: increasing public engagement, having good productive dialogue and to hear from more voices offering diverse opinions. The Chair and Vice Chair along with Hannah Forsyth, Legislative Support for the Committee, who is also on an internship in the Clerk's Office and looking at Boards and Committees overall, have been developing some ideas for consideration by the Committee. The idea is to make changes to the set-up and layout as well as the agenda to make the meetings less confrontational in nature and to provide some alternative ways for the public to engage. Committee members provided feedback noting: AV and staff requirements for set-up; ideas on how the topic tables might be hosted and information gathered; importance of the public optics and appreciating that many attendees want to hear the opinions of those speaking. Miles Agar, Principal Planner, asked the Committee to consider how the

data would be recorded and gathered from the various conversations, reminding members that this information is used by staff to provide a qualitative assessment and is part of the public record which is attached to the final staff report. The Committee briefly discussed how a revised agenda might be structured. The Chair encouraged members to give this some thought and provide additional feedback as this is explored further.

**11. ADDED ITEMS- NONE**

**12. DATE OF NEXT REGULAR MEETING – October 22, 2018, Halifax Hall, City Hall**

Please note that the Committee will host a Public Information Meeting on October 11, 2018 at St Andrews United Church, 6036 Coburg Road Halifax at 6:30 p.m.

**13. ADJOURNMENT**

The meeting adjourned at 6:20 p.m.

Sharon Chase  
Legislative Assistant



**HALIFAX PENINSULA PLANNING ADVISORY COMMITTEE  
SPECIAL MEETING  
August 24, 2020**

**PRESENT:** Jason Cooke, Chair  
Jason Genee, Vice Chair  
Councillor Wayne Mason  
Councillor Lindell Smith  
Mathew Novak  
Laura Brennick  
Kavita Khanna

**REGRETS:** Adam Pelley  
Margo Grant  
Chloe Berezowski

**STAFF:** Tyson Simms, Planner III, Urban Plan Amendments  
Miles Agar, Principal Planner, Urban Plan Amendments  
Andrea Lovasi-Wood, Legislative Assistant  
Alicia Wall, Legislative Support

*The following does not represent a verbatim record of the proceedings of this meeting.*

*The agenda, reports, supporting documents, information items circulated, and video or audio (if available) are online at [halifax.ca](http://halifax.ca).*

*The special meeting was called to order at 4:34 p.m. and adjourned at 6:00 p.m.*

## **1. CALL TO ORDER**

The Chair called the special meeting to order at 4:34 p.m.

## **2. APPROVAL OF MINUTES – July 13, 2020**

MOVED by Laura Brennick, seconded by Kavita Khanna

**That the minutes be approved as presented.**

## **MOTION PUT AND PASSED**

## **3. APPROVAL OF THE ORDER OF BUSINESS**

MOVED by Kavita Khanna, seconded by Councillor Mason

**THAT the order of business be approved as presented.**

## **MOTION PUT AND PASSED**

## **4. CALL FOR DECLARATION OF CONFLICT OF INTERESTS - NONE**

## **5. CONSIDERATION OF DEFERRED BUSINESS - NONE**

## **6. CORRESPONDENCE, PETITIONS & DELEGATIONS - NONE**

### **6.1 Correspondence - NONE**

### **6.2 Petitions - NONE**

## **7. REPORTS**

### **7.1 STAFF**

**7.1.1 - Case 20761: An Application by Zwicker Zareski Architecture and Planning (ZZap), on behalf of 3088962 Nova Scotia Limited, to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law and to enter into a development agreement to permit a mixed use development at: 1377 and 1389 Robie Street; 5949, 5963, 5969, 5977 and 5989/5991/5993 College Street; and 1452 and 1456 Carlton Street.**

The following was before the Committee:

- Design Rationale – Updated
- Site Plans – Updated
- Building Drawings – Updated
- Preliminary Landscaping Plans
- Perspective Views (Phase 1)
- Perspective Views (Phase 2)
- Shadow Analysis – Updated
- Surveyor Letter – Rampart Requirements
- Servicing Schematic
- Traffic Impact Study
- Summary of Public Information Meeting (PIM) - June 4, 2018
- Staff report to Regional Council dated May 24, 2019



**Halifax Peninsula Planning Advisory Committee  
Special Meeting  
August 24, 2020**

Tyson Simms, Planner III, Urban Plan Amendments, presented Case 20761 and highlighted some key dates in the application process including the July 15, 2019 Regional Council approval of a specific planning policy for the subject site.

The proposed development will be done in two phases. Phase one will include relocation of two existing heritage buildings on College Street that will be moved closer to two heritage buildings on Carlton Street. All four buildings will be placed upon a shared foundation. The four buildings will provide 34 residential units. Phase two will include a mixed-use high-rise building with two towers (29 and 28 storeys) on a shared podium. The building will consist of 577 residential units, approximately 12,500 square feet of commercial space, 30,500 square feet of underground commercial space and 6 levels of underground parking for 511 vehicles. The entrance to the underground parking will be on College Street. The site is zoned CEN-2 (Centre 2) and R-2 (General Residential).

Public engagement was achieved through signage on the site, a public information meeting and a website. Public concerns included wind and traffic impacts, the transition to the existing neighborhood and the size and density of the development. There was some support for the proposed design of the development.

The application was previously before the Halifax Peninsula Planning Advisory Committee on September 24, 2018. At that time, the Committee valued the increased density in the area, appreciated the promised effort to maintain and/or restore heritage buildings, expressed concern about the 26-storey tower height and overall visual mass and encouraged staff to use all available tools to maximize affordable housing within the development. A copy of the staff presentation is on file.

The Committee considered the application, with staff responding to questions. The following points and clarifications were noted:

- Some members feel the development is too large for the neighborhood
- The Committee would like to see some affordable housing included in the development
- Members like the podium style and heritage aspects
- The Committee would like to see more greenery in the landscaping.

In response to the Committee, Miles Agar, Principal Planner, Urban Plan Amendments noted there is nothing in the existing site-specific plan policy to make affordable housing a requirement as part of this development agreement application. The applicant may choose to pursue affordable housing programs provided by other levels of government. As well, the applicant is proposing to restore existing heritage resources as part of their application. Although not affordable housing, this can be viewed as another category of public benefit.

MOVED by Kavita Khanna, seconded by Laura Brennick

**THAT Halifax Peninsula Planning Advisory Committee recommends that Halifax and West Community Council proceed with approval of Case 20761 with the following considerations:**

- **encourage the applicant to follow the Centre Plan Package A rationale regarding density bonusing with respect to affordable housing, and**
- **encourage the applicant to add additional soft landscaping.**

**MOTION PUT AND PASSED.**

**8. NEXT MEETING DATE – September 28, 2020**

**9. ADJOURNMENT**

The meeting adjourned at 6:00 p.m.

Alicia Wall  
Legislative Support